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TO
THE UNIVERSITY OF TORONTO
BY

*Colonial Secretary -
Capitulum -*



RECORDS OF THE CAPE COLONY.



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RECORDS OF THE CAPE COLONY

From AUGUST to NOVEMBER 1825.

COPIED FOR THE CAPE GOVERNMENT, FROM THE
MANUSCRIPT DOCUMENTS IN THE PUBLIC
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BY
GEORGE M^CCALL THEAL, D.LIT., LL.D.,
COLONIAL HISTORIOGRAPHER.

VOL. XXIII.

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RECORDS OF THE CAPE COLONY.

[Original.]

Note from the Secretary to Government to the Commissioners of Enquiry.

COLONIAL OFFICE, 22nd August 1825.

Sir Richard Plasket presents his Compliments to the Commissioners of Inquiry, and has the honor to acquaint them, in reply to their note of the 20th instant, requesting that the Report of the Commission of Inspection and Survey upon which the Grant of the Five Thousand Morgen of Land, in the Graaff Reynet district, was finally executed on the 6th of December 1820, by the Acting Governor Sir Rufane Donkin, in favor of Mr. A. Stockenstrom, Landdrost of that province, may be forwarded to them for perusal; that it does not appear that a previous report on the land in question was ever transmitted to Government.

[Copy.]

Letter from SIR RICHARD PLASKET to MR. GEORGE GREIG.

COLONIAL OFFICE, August 22nd 1825.

SIR,—I have submitted to His Excellency the Governor your Memorial under date the 20th Instant, and I am directed by His Excellency to acquaint you that he will forward it by the first opportunity to Earl Bathurst, one of His Majesty's Principal Secretaries of State. I have &c.

(Signed) R. PLASKET, Secretary to Government.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 23rd August 1825.

MY LORD,—I have the honor to enclose for Your Lordship's information copy of a correspondence which has taken place between this Government and Mr. George Greig, since his return to the Cape on the 12th Instant.

I have already stated to Your Lordship in my Despatch of the 6th Ultimo that the Printing Materials which the Government purchased from Mr. Greig at his own request (because he could not otherwise dispose of them) were sold to Mr. Bridekirk very shortly after Mr. Greig's departure from the Colony.

Mr. Greig now asserts that this Government was bound to keep the said materials in deposit, and that it ought on no account to have disposed of them, but I beg to assure Your Lordship that there was no reservation whatsoever of this nature expressed or implied, as you will perceive by the enclosed Document, and with a view to convince Your Lordship how totally unfounded are the assertions of Mr. Greig or his claim upon Government, in regard to the disposal of these Printing Materials, which in his Memorial he says he was not authorised himself to sell or mortgage, I enclose a hand Bill printed and issued by Mr. Greig himself (with his own types after his Presses had been sealed up) in which he offers for sale the whole of his stock of Printing materials, but not having found a purchaser, and his proposal to dispose of them in shares having failed, he applied to Government and the Articles were purchased at a valuation, himself appointing one of the Appraisers, on which valuation a profit of 15 per Cent was added and paid to Mr. Greig.

Mr. Greig has since stated that his arrangements are prepared for recommencing his weekly journal on Wednesday next, he having brought out Materials for the purpose from England, so that I cannot understand upon what ground he can claim any remuneration from Government. I have &c.

(Signed) CHARLES HENRY SOMERSET.

P.S. I also forward a letter from Mr. Bridekirk, stating that the restoration of the Printing Materials by him would be attended with the ruin of his business.

[Copy.]

*Letter from LORD CHARLES SOMERSET to the COMMISSIONERS
OF ENQUIRY.*

GOVERNMENT HOUSE, CAPE TOWN, 23rd August 1825.

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of the 15th instant, requesting to be informed of the peculiar reasons and circumstances that may have existed for suspending the execution of the instructions of His Majesty's government for reducing the amount of paper money in circulation, and of any representation that may have been made by me to Earl Bathurst upon the consequences of the growing depreciation; and in reply, to transmit to you a copy of a despatch I have addressed to Earl Bathurst, under date the 23rd July last, upon this subject. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

*Letter from LORD CHARLES SOMERSET to the COMMISSIONERS
OF ENQUIRY.*

CAPE OF GOOD HOPE, 23 August 1825.

GENTLEMEN,—I have for some time past received representations from various Branches of the Civil Service in this Colony upon the subject of the very inadequate Salaries attached to their respective situations, the intrinsic value of which has been ascertained by the late measure of fixing the value of the Rixdollar.

I am fully aware and I believe you will feel inclined to concur in opinion with me that these representations are, generally speaking, well founded, and that the allowances now granted to most of the Officers of this Government who are paid in Currency are by no means equal to supply them with the necessary comforts of life, and that were it not for the aid they derive from their Families (and this is only applicable to the Dutch) many of them would be unable to support themselves with common decency.

Under these circumstances, it would become an imperative duty upon me to make a representation on the subject to Earl Bathurst, did I not conceive myself precluded from so doing, without reference to you, by two Despatches I have at no distant period received from His Lordship in reply to applications of a similar nature in favour of three or four Individuals. Although His Lordship was pleased to express every disposition to pay attention to my recommendation, it appeared to him more advisable, with reference to objects connected with your Commission, to postpone a Decision on them until a general investigation had taken place with regard to the several offices of the Colonial Establishment.

Feeling, however, as I sincerely do, the difficulties under which many of the Civil Servants labour, I am anxious to bring the subject before you at your earliest leisure, and to request your opinion as to the most advisable measure to adopt under all the circumstances of the case, being fully persuaded that the Interests of Government are as much concerned in this question as those of the Individuals themselves.

I am well aware that the resources of this Government are unable to bear any additional Burthen. I trust however that it may be possible to suggest reductions in some parts of the Establishment which may tend to meet a portion of the augmentations that may be deemed necessary. I have &c.

(Signed) CHARLES HENRY SOMERSET.

P.S. I enclose copies of Lord Bathurst's Despatches above alluded to.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to the COMMISSIONERS OF ENQUIRY.

DOWNING STREET, LONDON, 23 August 1825.

GENTLEMEN,—I am directed by Earl Bathurst to acknowledge the receipt of your note of the 29th of May last addressed to Mr. Wilmot Horton, together with the Box addressed to his

Lordship containing your Report upon the address transmitted to his Lordship in the year 1823 by the principal British Settlers in the Albany District. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. D. P. FRANCIS.

DOWNING STREET, LONDON, 23 August 1825.

SIR,—I have laid before Earl Bathurst your letter of the 8th instant, and I am directed to acquaint you in reply that no Report on your Memorial has yet been received from the Commissioners of Enquiry at the Cape of Good Hope, and until such report shall have been received, it is impossible for his Lordship to decide upon the merits of your case.

With reference to your letter of the 8th ultimo containing an application for employment in consequence of the losses you allege yourself to have sustained at the Cape of Good Hope, I am to acquaint you that it is out of his Lordship's power to entertain such a proposition. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. B. PARR.

DOWNING STREET, LONDON, 23 August 1825.

SIR,—Having laid before Earl Bathurst your letter of the 15th instant, I am directed by his Lordship to acquaint you in reply that His Majesty's Government do not hold out any advantages to persons wishing to emigrate to the Cape of Good Hope. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from the SECRETARY TO GOVERNMENT *to* R. WILMOT
HORTON, ESQRE.

CAPE OF GOOD HOPE, 23rd August 1825.

MY DEAR SIR,—It would save us a great deal of labour and no inconsiderable expence in the Article of Stationery if we were to be authorised during a period of Peace to make out the Accounts of this Colony in Duplicate instead of in Triplicate.

The Originals would be sent to England, and the Duplicates deposited in the Audit Office. If the Originals by any accident were lost, which is not likely to happen once in ten years, the Auditor General would be desired to make authenticated Copies from the Duplicates to keep in his own office, and the Duplicates would be sent home.

At present one Set is kept in the Office of the Colonial Paymaster, for which I see no use while the Auditor has a Set in his Office.

If the Colonial Audit Office should have no objection to this arrangement I trust you will be enabled to obtain Earl Bathurst's Sanction to it. I have &c.

(Signed) RICHARD PLASKET.

[Original.]

Letter from MAJOR GENERAL BOURKE *to* R. W. HAY, ESQRE.

75 WINPOLE STREET, August 23rd 1825.

SIR,—Understanding from Earl Bathurst it is probable I shall be called upon to take charge of the Government of the Cape of Good Hope shortly after my arrival there, and as in such case it will be absolutely necessary that I should have a private secretary of my own selection and in my confidence, I beg leave to state to you for his Lordship's information, that I should wish to have permission to take out with me an Officer to fill this situation. He may, with leave of H.R.H. the Commander-in-Chief, be appointed an Extra Aide de

Camp, and will be no charge either to Government or the Colony until his arrival at the Cape, and then (until his appointment as Secretary) for Rations only. It is in this way, I believe, that the private Secretary of M. General Sir Peregrine Maitland is borne on the Establishment of Upper Canada.

I would further add, without wishing to draw Lord Bathurst into any premature discussion as to the number or description of Persons his Lordship may think fit to employ in the Eastern District of the Cape, that I conceive it to be quite certain the Lt. Governor (having but one Aide de Camp) will require a Secretary, and it might materially influence the decision of the Person to whom I would in the first instance offer this employment, if I had His Lordship's sanction for saying that it is probable, in the event of my removal from Cape Town, the Office will be continued in the Eastern District. I have &c.

(Signed) RICHD. BOURKE, M. General.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE TOWN, 24th August 1825.

MY LORD,—We had the honour to receive on the 7th July your Lordship's dispatch of the 26th March 1825, referring to copies of representations which had been addressed to the under secretary of state by Mr. Bishop Burnett, and directing us to lose no time in communicating to your Lordship the result of our inquiries into the circumstances of his case, with such further information as a perusal of these papers might appear to render necessary.

The enclosures referred to in your Lordship's dispatch were communicated to us by his Excellency the Governor on the 29th July; and as it would appear that Mr. Burnett has expressed, in a letter to Mr. Horton of 28th March 1825, his surprise that we had omitted to report to your Lordship upon his case, which he had submitted to us at Graham's Town, we beg leave to explain to your Lordship, that the communications made to us by Mr. Burnett on the subject of his various com-

plaints were received by us in common with those of other individuals, both in the execution of our general instructions, and in pursuance of your Lordship's directions, that we should investigate the grounds of complaints that had been preferred by the British emigrant settlers in the memorial that had been transmitted to your Lordship in the year 1823, and which was the subject of our report dated 25th May 1825.

We beg leave to assure your Lordship that no expectation was held out by us to Mr. Burnett that we should make any special communication to your Lordship upon his case, but he was on the contrary distinctly informed that our inquiries were restricted to the general objects which his information might tend to elucidate.

Since we have received the papers referred to in your Lordship's dispatch, we have directed our attention to the acquirement of such further information as may be necessary to the elucidation of Mr. Burnett's case, so far as we are directed to report upon it, and we shall lose no time in transmitting to your Lordship the information required. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LORD CHARLES SOMERSET.

CAPE TOWN, 24th August 1825.

MY LORD,—We have been honored with your Lordship's Letter of yesterday's date, in which you have expressed your desire to communicate to us the various representations that have reached you respecting the inadequacy of the Salaries of several Civil Servants in the different Offices of Government, and at the same time have done us the honor to request our opinion as to the most advisable measures to adopt under all the circumstances of the Case.

In reply we beg leave to state, that we shall be at all times ready to give our best attention to the consideration of the

applications that have reached your Lordship, and to offer such an opinion respecting them as may be consistent with the spirit of our Instructions. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from the SECRETARY TO GOVERNMENT *to* R. WILMOT
HORTON, ESQRE.

CAPE OF GOOD HOPE, 24th August 1825.

MY DEAR SIR,—I beg to call Lord Bathurst's attention to the fact of our having no Piracy Court in this Colony.

In the King's Instructions to Lord Charles Somerset under date 3rd November 1813, it is stated that a Commission of Piracy had been prepared to accompany those Instructions, but no such Document was ever received here.

As Slave Trading has been made a Felony cognizable by the Courts of Piracy, and as this and other Criminal offences committed on the High Seas should be tried under the English Law, it would be very inconvenient if any case were to occur here, particularly a case of Slave Trading.

We ought to have an English Attorney, or Person bred to the Law, who is practised in the detail of the Forms of a British Criminal Court and the empannelling of Jurors &c., to act as Secretary or Registrar to this Court, and as it will not often assemble, he might be very usefully employed in some of the other Judicial Departments, as we have nothing of the kind here to make the Piracy Court (and I may well add any of our other Courts) effective, however we shall require the presence of an English Chief Justice. I have &c.

(Signed) RICHARD PLASKET.

[Copy.]

Letter from MR. WILLIAM BRIDEKIRK to SIR RICHARD PLASKET.

CAPE TOWN, 25th August 1825.

SIR,—In reference to the conversation I had the honor of having with you yesterday, relative to whether I could give up my types &c., I beg leave respectfully to observe, that the question appears to me of a very singular nature. Said types &c. were offered for Sale in shares, but meeting with no purchasers, they were appraised by Mr. Johnstone, now in the Colonial Printing Office, and by Mr. Mollett, in my employ, and were afterwards bought by the above Government from whom I lawfully and regularly purchased them, since which time I have carried on my business as Printer. To restore them would be to give up business, and I very naturally would not do this, without being most extravagantly remunerated, so as I could retire in an independent way. I have &c.

(Signed) WM. BRIDEKIRK, JUNR.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to G. HARRISON, ESQRE.

DOWNING STREET, 26 August 1825.

SIR,—Forty Four Aums and Forty two half Aums of Constantia Wine shipped on board H.M.S. *Andromache*, Captain Moorsom, having been placed under the charge of the Officers of the Customs at Chatham, I am directed by Earl Bathurst to request that you will move the Lords Commissioners of the Treasury to give the necessary directions for its being forthwith conveyed to the Custom House in London. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM PARKER.

COLONIAL OFFICE, 26 August 1825.

SIR,—I have to acknowledge the receipt of your letter of the 16th Instant, addressed to Mr. Wilmot Horton, and am directed by Earl Bathurst to acquaint you that his Lordship has not as yet received any report from the Commissioners at the Cape with reference to your particular case. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from THOMAS PRINGLE, ESQRE., to the COMMISSIONERS OF ENQUIRY.

MILK RIVER, NEAR GRAAFF REINET, August 26th, 1825.

GENTLEMEN,—I now beg leave to solicit your attention once more to the subject of the Search Warrant ; and, in order to get directly to the bottom of this affair, I consider it requisite respectfully to suggest that the following course may be adopted :

1st. That Mr. Denyssen the Fiscal be again called before you, and strictly re-examined *upon oath* ; that he be required to state distinctly not merely whether my name was or was not “ *inserted* ” in any search warrant actually signed, but, further, whether I was or was not included in any list of individuals whose papers, persons, or premises were intended to be visited, in some shape or other, by such procedure.

2nd. That Mr. P. G. Brink, late acting Colonial Secretary, be examined *upon oath*, in the same manner, as to his *knowledge* or *belief* of the existence of such warrant, list, or intention of search, in regard to my papers, person, or premises.

3rd. That Mr. W. C. van Ryneveld, Deputy Fiscal, be examined in the same manner, on the same points.

4th. That Mr. Denysssen, the Fiscal, be examined *upon oath* as to his real *object*, and legal *right*, in summoning me *as a witness* before the Court of Justice for the purpose of extorting the name of my informant. This is not a trivial matter. If there was, as he alleges, no warrant nor intention of search in regard to me, this procedure could serve no possible purpose, except to alarm, annoy, or entangle me in some scrape, and through me perhaps intimidate the public at large, objects which you, Gentlemen, I am confident, will agree with me in considering highly illegal. And, in the peculiar circumstances of the case, if the Fiscal be proved to have lent himself to such objects, I maintain that he (standing as he officially does between the Government and the subject, and bound by oath to act righteously towards both) has been guilty of a very gross and criminal abuse of his office.

But if it turn out that there actually was either a Warrant, or, what is essentially the same thing, an order or authority of some sort, to search my papers or premises, then I request, Gentlemen, that His Majesty's Fiscal *be required to shew upon what grounds* such warrant, order, injunction, or authority was procured, or could legally be employed against me.

5th. I request that Mr. Bentinck, Commissioner of the Court of Justice on that occasion, be interrogated in regard to my examination before him, and be required to shew what legal *right* or *authority* the Court possessed to extort from me, by examination on oath, the name of my informant.

6th. I request that Mr. Lind, the Deputy Fiscal, be examined on the same subject.

I am not a little anxious, Gentlemen, to ascertain the precise truth in regard to the several points involved in the result of the above course of inquiry ; I trust, therefore, you will take no offence at my suggesting the expediency of a very careful cross examination, to prevent the possibility of any of the above-mentioned individuals evading the disclosure of important facts, or blinking points at issue, by any sort of subterfuge or equivocation. If in conceiving men so high in office capable of such paltry artifices, I appear to you unwarrantably suspicious, I can only say that it is my experience of Cape functionaries that has made me so ; and, without insinuating any particular suspicion of any one of the above individuals, I

consider it due to my own cause and that of the public to avail myself of every possible precaution in the prosecution of this inquiry.

When you have taken these examinations, Gentlemen, I respectfully request that you will be pleased to inform me of the result. Should my allegations in regard to the Search Warrant not be confirmed by the evidence thus elicited, I shall then be able to decide what farther course to adopt. I have still a farther measure in reserve, but it is a measure I do not feel authorized to suggest, unless the present course of investigation should fail of corroborating my original intelligence.

I shall conclude the present communication by mentioning a case of outrage, by means of a Search Warrant, which I am not aware has been previously brought under your notice. It may help to shew whether or not my apprehensions, when I claimed your protection on coming from the Fiscal, were without cause, and whether it be not high time that such nefarious encroachments on the liberty of the subject should be rigidly investigated, and for ever put a stop to.

A Mr. Cole of Simon's Town was suspected by some one or other of having been concerned in putting up a placard which lampooned or reflected upon several individuals of that Community. It seems complaint to this effect was made, and a Search Warrant against Cole was sent to the Resident, Colonel Scott.

The Colonel intrusted the execution of it to the Secretary, Mr. Goodwin, who, not finding Mr. Cole at home, broke open his house, proceeded to rifle his papers, and sent constables to seize his person. Mr. Cole was found in a distant part of the town, and was dragged through it to his private dwelling, where he saw all his private papers exposed on the table.

Goodwin packed them up, sealed, and sent them to the Fiscal in Cape Town. That officer detained them in his possession upwards of three months, and then returned them, with the observation that there was no ground for supposing Mr. Cole to have been concerned in the placard which had given rise to this proceeding! It was subsequently ascertained that the offensive paper had come from one of the ships of war on the Station!

I return in a few days to Baviaan's River, but shall feel

obliged by your continuing to address to me by way of Graaff Reinet. I have &c.

(Signed) THOS. PRINGLE.

[Original.]

Letter from MR. GEORGE BURDER to R. W. HAY, ESQRE.

MISSION HOUSE, AUSTIN FRIARS, 26th August 1825.

SIR,—I am instructed by the Directors of the London Missionary Society to acknowledge the receipt of your letter of the 9th Inst. addressed to Mr. Hankey ; and in compliance with the request of Lord Bathurst, to communicate for His Lordship's information, the grounds which they had for stating that the cases of Enon and Bethelsdorp are very dissimilar, in reference to the collection and payment of the Opgaaf, by the respective Missionaries of those Institutions.

The representations which the Directors have received on this subject induce them to believe, that the Institution at Enon consists only of a small number of Hottentots, and that the amount of the Opgaaf is about 170 Rixdollars ; and that it has also been intimated to the Directors, that according to the Moravian system, the earnings of the People are delivered into the hands of the Missionaries, and afterwards given out to the Hottentots as the Missionaries think proper. Under such circumstances the duty which has been submitted to by the Missionaries at Enon does not appear to be connected with any considerable difficulty or serious responsibility.

The Institution at Bethelsdorp is stated to comprise a population of from 1500 to 2000 persons, and the Opgaaf generally exceeds 2000 Rixdollars. It is also to be observed, that many of the Hottentots live at some distance from the Institution in the service of different persons, that the Missionary has no control over their earnings, and that many of them are under contract to the farmers &c., and frequently cannot get their money, nor permission to come to Bethelsdorp, before the term of their services is expired.

The Directors respectfully submit to Lord Bathurst that

these leading circumstances relating to Enon and Bethelsdorp establish a great dissimilarity between the two Institutions with reference to the collection and payment of the Opgaaf. Besides which the *actual state* of Bethelsdorp as to the extent of its population, the indefinite and unfavorable circumstances in which many of the Hottentots are placed with relation to the superintendence and control of the Missionary, in connexion with the constant and important duties of Religious and Moral Instruction which he is required to discharge among the people, render the requirement of the Colonial Government, that he be responsible for collecting and paying the Opgaaf at Bethelsdorp, a measure very inappropriate, unjustifiable, and oppressive.

I beg further to observe that the opinion which the Directors have expressed with regard to the Duties the Missionaries have been required to discharge as Tax-gatherers, being injurious to their character *as Missionaries*, has not been given with any offensive reference to the Moravian Missionary at Enon, who is said to have complied with that requisition. The Directors are willing to concur in the general sentiments that are held concerning his exemplary character and conduct, but they are fully persuaded that Mr. Kitchingman the Society's Missionary at Bethelsdorp, is equally worthy of commendation and confidence. The latter, however, appears to entertain the most rational, just, and scriptural views of Missionary duties and obligations, with reference to advancing the civilization and the moral and religious instruction of the Hottentots under a system which should exclude every unnecessary and unsuitable object, which should keep his exertions entirely separated from political interferences and collisions, and should enable him to make the fullest proof of his labors and usefulness as a Christian Missionary and Minister.

In these views and sentiments (which have been briefly mentioned in the Memorial lately presented to Lord Bathurst) the Directors most cordially unite, and they trust that the enlightened intelligence, the impartiality, the justice, and the benevolence of Lord Bathurst, will all concur in giving his recommendation and sanction to such measures, as shall preserve the Missionaries in South Africa from every inappropriate, injurious, and oppressive requisition, and insure them

the fullest and most free exercise of their deeply important efforts, which are directed to promote the civilization and improvement of the poor Hottentots, the Glory of God, and the extension of the Kingdom of our Lord Jesus Christ.

I have &c.

(Signed) GEO. BURDER, Secretary.

[Copy.]

Letter from MR. GEORGE GREIG to EARL BATHURST.

CAPE TOWN, August 26th, 1825.

MY LORD,—In announcing to your Lordship my safe arrival in this colony, to resume, under your Lordship's sanction, the publication of my journal, I cannot but deeply regret being again obliged to obtrude myself upon your Lordship's attention.

I deem it unnecessary to recall to your Lordship's recollection, that in an early stage of my correspondence with the colonial department, I had occasion to complain that the printing materials of which I disposed to the colonial government, (because that government had, by sealing them up, not only deprived me of their use, but of the power of either *selling* or *mortgaging* them to anybody else,) were in the possession of an individual who had been allowed to publish a newspaper manifestly to my detriment, and in open violation of the terms of the "warrant" by virtue of which I was prohibited from printing and publishing "until his Majesty's pleasure should be known." I further stated, that I considered this act as an aggravation of my case, because Lord Charles Somerset was sacredly bound to adhere to the terms of his own warrant, until he should hear whether his Majesty thought fit or not to sanction such violent proceedings. In the spirit of this remonstrance your Lordship acquiesced; and I was informed that in the event of my return to this colony, the printing materials should be directed to be restored to me, as far as might be practicable, after making a reduction for "wear and tear," and articles consumed. Your Lordship was also pleased to direct, that the purchase-money for the said materials should be made

payable by instalments, to be completed in five years ; in consideration of losses then already sustained, and to prevent future pecuniary inconvenience. Upon the *faith* of this arrangement I consented to return hither, and also to forego all *further proceedings for the recovery of damages in my case.*

The restoration of my printing materials therefore was not offered to me as a boon or gift, but as an act of justice, and as forming part of a *contract*. Your Lordship, by informing me through Mr. Wilmot Horton that direct pecuniary remuneration could not be granted, tacitly admitted I had sustained losses ; and I conceived it was with a view in some degree to compensate me for those losses, that I was led to expect that the instalments, or part of them, would never be demanded.

It having subsequently occurred to me, that means might be formed by the colonial government to evade or delay your Lordship's instructions for the restoration of my printing materials, I wrote a note to Mr. Bailey, a clerk in the colonial department, (copy of which is annexed,) requesting him to inquire of Mr. Wilmot Horton, (who was stated to be indisposed,) whether your Lordship's instructions would be so imperative as to exclude the possibility of any evasion or delay on the part of the colonial government. Mr. Horton declared his inability, as it was a hypothetical case, officially to answer the question. His private opinion however I was told was, that no room existed for any such apprehension, as it was never contemplated that any instructions issued by Lord Bathurst would be contemned or evaded.

Relying confidently upon the faith of these assurances, I merely provided myself with such printing materials as were necessary to effect a plan I had laid down for enlarging my paper, and for completing the sets of types which I took it for granted I should experience no difficulty in getting restored.

Judge my surprise, my Lord, when on presenting a memorial to the Governor in Council, (copy of which is annexed), requesting the restitution of my printing materials, upon the conditions prescribed by your Lordship, I received an answer, (copy of which is also annexed,) stating that his Excellency, (without any mention of the Council having been consulted,) could not *restore them*, because they had been sold to a person named Bridekirk ! I shall abstain from commenting upon this

unjust and extraordinary refusal. I may however state to your Lordship, that this same Mr. Bridekirk was actually furnished by the colonial government with the means, by a loan from the bank, of purchasing those materials ; and I have reason to believe that *ten years* are allowed him to liquidate the debt. The setting up of this individual was, in my opinion, a mere blind, to prevent persons from signing the memorial for a free press.

I again memorialized the Governor in Council, (copy of which is annexed,) in which I expressed my surprise and dissatisfaction at the answer I had received to my first memorial, and presented a view of my case, which I considered unanswerable, and which turned out to be so ; as in the reply to my memorial, (copy of which is annexed), I am simply informed, that his Excellency will forward it to your Lordship by an early opportunity.

Had the Governor been willing to obey your Lordship's instructions, it was, I conceive, a very easy matter. The materials might have been redeemed from Mr. Bridekirk, and the sum which he had paid for them returned to him ; in which case he would have had the *gratuitous* use of them for thirteen months, and capital in his hands to embark in a fair and honourable way in the purchase of other printing materials. I suggested, in conversation, this method to Sir R. Plasket ; but he urged the utter inability of the colonial government either to restore them, under any circumstances, or to offer me any equivalent.

It is unnecessary I should inform your Lordship, that my not obtaining possession of those printing materials will be attended with the most serious pecuniary inconvenience to me ; and I shall be under the necessity of applying yet further to my friends, upon whose assistance I cannot, nor have I any right confidently to reckon, to become answerable for the cost of such printing materials as are indispensable in the pursuit of my general business as a printer. I enclose a list of the materials which I shall require ; and should your Lordship think proper to cause me to be furnished with them, I beg that it may be intimated, with as little delay as possible, to my brother, Mr. William Greig, 32, City-road, London, to whom I have written upon the subject, and who will be able to attend

to their purchase or shipment, &c. I must also suffer considerable loss in the interim ; and as my losses have already been immense, I appeal first to your Lordship, with unshaken confidence, to know how I am to be redressed ; how I am to be remunerated ; and whether an innocent British subject is *for ever* to be traversing the Atlantic, to complain of reiterated injuries on the part of a colonial and subordinate government ?

I consider the facts of this case so clear and simple as to render it unnecessary for me to offer any further remarks upon them. I therefore conclude this letter, by expressing a firm conviction, that your Lordship will enforce a becoming obedience to the grave instructions of one of His Majesty's principal Secretaries of State ; especially when, upon the *faith* of *those* instructions, I was induced to return with my family to this colony.

Your Lordship's early consideration of this case is solicited by, my Lord,

Your Lordship's obedient servant,

(Signed) GEORGE GREIG.

[Enclosure 1 in the above.]

List of Printing Materials of which I stand in immediate need, in order to enable me fully to carry on the business of a printer.

(List omitted.—G. M. T.)

The value of the above I estimate at about £320 or £350 ; and my reason for enumerating them technically is to afford your Lordship an opportunity, should you think it proper, of ascertaining that those articles are essential to a printing establishment.

(Signed) GEORGE GREIG.

[Enclosure 2 in the above.]

COLONIAL OFFICE, April 6, 1825.

SIR,—I beg to put upon paper the precise point to which I wish to draw Mr. Horton's attention. Will the instructions relative to the restitution of my printing apparatus, &c. be so

imperative as to preclude the possibility of any evasion or delay on the part of the Governor in Council ?

My object in making this inquiry is, to ascertain whether it will be necessary for me to incur any expense here, to obviate the consequences of a possible evasion of those instructions.

I am, &c.

(Signed) GEO. GREIG.

Mr. Bailey, &c. &c. &c.

Mr. Bailey having submitted my note to Mr. Wilmot Horton, returned, and said that Mr. Horton could not give me an official answer to my inquiry, as it was a hypothetical case ; his private opinion however was, that nothing was more improbable than such a circumstance.

GEO. GREIG.

[The above is the substance of the memorandum I made on the spot, and immediately after Mr. Bailey withdrew.]

[. [Enclosure 3 in the above.]

Copy of Memorial presented to His Excellency, August 15, 1825.

To His Excellency the Governor in Council of the Cape of Good Hope, &c. &c. &c.

The Memorial of George Greig Showeth,

That your Memorialist, previous to his leaving England in May last, received directions from Lord Bathurst to request from your Excellency the restoration, as far as might be practicable, of the printing materials which were purchased from your Memorialist by the colonial government in July 1824.

That your Memorialist is ready to conform to the arrangement made by Lord Bathurst, for the repayment of the purchase money for the said materials. Your Memorialist therefore prays, that your Excellency will be pleased to give directions that the said materials may be now given over to your Memorialist on the said conditions.

And your Memorialist will ever pray, &c.

(Signed) GEORGE GREIG.

CAPE TOWN, August 15, 1825.

[Enclosure 4 in the above.]

Reply :

COLONIAL OFFICE, *August 16, 1825.*

SIR,—I have submitted to his Excellency the Governor the Memorial you addressed to him under yesterday's date, stating that you had received directions from Earl Bathurst to request from his Excellency the restoration, as far as might be practicable, of the printing materials which were purchased from you by this government in July 1824; and I am directed by his Excellency to inform you that the restoration of them to you is not practicable, as they were sold to Mr. Wm. Bridekirk on the 30th July 1824, and his Excellency has it not in his power to cancel that engagement. A communication to this effect was made by his Excellency to Earl Bathurst some time since. I have &c.

(Signed) RICHD. PLASKET, Secy. to Govt.

Mr. George Greig.

[Enclosure 5 in the above.]

To His Excellency, &c. &c. &c.

The Memorial, &c. Showeth,

That your Memorialist on the 15th August, presented to his Excellency the Governor in Council of the Cape of Good Hope the following Memorial. (*See Memorial.*)

To which your Memorialist received the following reply. (*See Reply.*)

The tenor of the above reply being extremely surprising and unsatisfactory to your Memorialist, he therefore begs leave to present to his Excellency the Governor in Council the following view of his case :

Your Memorialist's printing materials were sealed up by the colonial government in June 1824.

On the employment of these printing materials your Memorialist depended for his livelihood.

After they were sealed up your Memorialist could no longer

derive emolument from them, nor from his skill and industry as a printer; neither could your Memorialist *sell* them or *mortgage* them, until "His Majesty's pleasure" should be made known to him respecting their final disposal.

Your Memorialist had therefore no alternative but either to allow them, constituting the whole of his effective capital, to remain locked up and useless for so indefinite a period of time, or to offer them for a certain sum of money to the colonial government, by whom they had thus been taken possession of.

When the colonial government, as an act of favour on its part, offered to your Memorialist a sum of money equal to their awarded value, your Memorialist did not imagine that the colonial government would immediately speculate upon them by bringing them to market, but that they would remain as they then were—that is sealed up and safe from his rivals in trade, who might wish to gain possession of them, they being the finest materials of the kind that had at any time reached the colony—until such time as His Majesty's pleasure was known, according to the wording of the warrant by virtue of which they had been seized.

In order to learn the determination of His Majesty's Government on this subject as soon as possible, your Memorialist went himself at a great expense to the seat of the said Government, that his time and means might not be consumed in idle expectation and uncertainty; and was informed by His Majesty's own minister, Earl Bathurst, that these same printing materials, namely the types so seized, should be restored to him, and also the other materials, namely printing paper, ink, &c. as far as should be practicable, by the colonial government.

Your Memorialist was informed by R. W. Horton, Esquire, under secretary of the colonial department, of which Lord Bathurst is principal secretary, that the phrase, "so far as might be practicable," referred to the printing paper and ink, which were in daily consumption; and that the types would without doubt be restored, and a deduction made for "wear and tear," during your Memorialist's absence from the colony.

Relying fully on this arrangement of Earl Bathurst, and on the explanation of R. W. Horton, Esquire, your Memorialist agreed to drop all further proceedings for the recovery of damages in his case, this being by Lord Bathurst made a part

of the arrangement ; and thus your Memorialist conceived the transaction concluded and finally settled. Your Memorialist hereupon returned to the colony of the Cape of Good Hope, and presented a Memorial to his Excellency in Council, stating the terms on which Lord Bathurst had authorized him to request from the colonial government the restitution of the said printing materials, and praying for the restitution accordingly.

But found by answer to the said memorial, that the restoration of the said printing materials was deemed by the colonial government *not practicable in any degree*.

Because the said printing materials had been sold by the colonial government to Mr. W. Bridekirk, on the 22nd day after your Memorialist had left the colony, for the purpose of seeking redress from His Majesty's Government at home, and on the 23rd day after the arrangement respecting them had been made between the colonial government and himself.

And the said Mr. W. Bridekirk had by means of the said printing materials possessed himself of the ground which belonged to your Memorialist, and had commenced and carried on the printing of a newspaper in the colony, in which he states that he "is pledged to nobody but himself" respecting the nature of its contents.

Your Memorialist also observed, that the said newspaper, printed with the said materials by the said Mr. W. Bridekirk, contained matter, from the insertion of which your Memorialist was officially informed by His Majesty's fiscal that he was prohibited, under a penalty of 10,000 rixdollars.

Your Memorialist therefore feels himself aggrieved, and put to a very serious pecuniary inconvenience ; and humbly prays that his Excellency in Council will be pleased to take these premises into consideration, and grant him such redress as may be suitable to the tenor of the said premises, and the instructions of Earl Bathurst, upon the faith of which, as before stated, your Memorialist returned to the colony ; and your Memorialist will ever pray, &c.

(Signed) GEORGE GREIG.

[Enclosure 6 in the above.]

Fourth Reply.

COLONIAL OFFICE, *August 22nd*, 1825.

SIR,—I have submitted to his Excellency the Governor your memorial under date the 20th inst. and I am directed by his Excellency to acquaint you that he will forward it by the first opportunity to Earl Bathurst, one of His Majesty's principal secretaries of state. I have, &c.

(Signed) R. PLASKET, Secretary to Government.

Mr. G. Greig.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, *27 August* 1825.

MY LORD,—Having already expressed to Your Lordship my conviction (from Information gathered here) that William Edwards transported from this Colony to New South Wales in 1824 by Sentence of the Court of Justice was a Convict who had unlawfully escaped from New South Wales, I do myself the honor to transmit to Your Lordship copy of a letter from Major Ovens, Private Secretary to the Governor of New South Wales, transmitting to me (in the absence of the Governor) a certificate under the Hand of Mr. Hutchinson (late principal Superintendant at Sydney) that William Edwards was recognized on his arrival there in the *Minerva* as the Convict for life Alexander Lockaye, that he arrived in that Settlement per ship *Atlas* in October 1819 and was advertised in the *Sydney Gazette* as a Runaway on the 8th December 1821. I have, &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

SIR,—In the absence of His Excellency the Governor, I do myself the honor to forward a hasty Statement made by the Individual who lately held the Situation of Superintendant

over the convicts in this Colony of the Character of Edwards the Convict forwarded from the Cape of Good Hope, by the *Minerva*. It will shew he is of the name of Alexander Lockaye, was transported to this Colony for life, and it appears effected his Escape from hence in a Ship proceeding to Java in 1821. His Excellency the Governor will no doubt avail himself of the first opportunity which may offer after his return, to give Lord Charles Somerset a more detailed account of the Individual in question, but as the *Minerva* arrived yesterday and a ship is just about to sail for Rio de Janeiro, I think it desirable to say so much. I have &c.

(Signed) T. OVENS, Private Secretary.

To the Private Secretary
to His Excellency the Governor
of the Cape of Good Hope.

SYDNEY, November 20, 1824.

To certify of Alexander Lockaye Convict for life per ship *Atlas* 4th was on arrival, October 1819, sent to Newcastle for twelve Months by the late Governor Major General Macquarie, for having preferred false charges against the Surgeon Superintendent and Master of the Ship; that he was received from Newcastle with a bad Character on the 26th February 1821, and employed at Head Quarters as an Overseer of light workers, in consequence of having received a hurt while at the penal Settlement, but during his said Overseership he abused the confidence reposed in him, in consequence of which he was dismissed and put to work in a labouring gang, was subsequently assigned as a Government Servant, to the late Thomas Wylde Esqre., Solicitor, whom it is generally believed, he robbed and from whose Service he absconded, was advertised accordingly in the *Sydney Gazette* as a Runaway on the 8th December 1821.

(Signed) WILLIAM HUTCHINSON,
(Late Principal Superintendent).

Sydney, 20th November 1824.

N.B. This Said Alexander Lockaye appears to have been the cause of several of the better Class of convicts having been

sent to this Country, having connected himself with them in England.

[Office Copy.]

Letter from EARL BATHURST *to the* LORD CHAMBERLAIN.

DOWNING STREET, 27th August 1825.

MY LORD,—The Lord Charles Somerset having represented that the customary Allowances made to the Governors of His Majesty's Colonies were not issued to him upon his appointment in 1814 to be Governor and Commander in Chief over the Settlements at the Cape of Good Hope in Southern Africa, in consequence of some accidental omission of the regular application from this Department, I have to request that your Lordship will give the necessary orders for the allowances to be now issued to him which are usually given on such occasions.

I am, &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., *to* J. RENNIE, ESQRE.

DOWNING STREET, 27 August 1825.

SIR,—I have laid before Earl Bathurst your communication of the 6th ultimo in which you state your opinion as to the practicability of constructing a Breakwater at Cape Town, and as from the absence of accurate Plans and other necessary information you have found it impossible to give any decided opinion on the subject, I am directed by his Lordship to request that you will prepare a list of such Queries as you may consider necessary, as to the nature and selection of the Stone to be used in the Work, the depth of the water, the nature of the bottom, the prevailing Winds, the breadth of the Bay where it is proposed to place the Breakwater, and all other matters on which you may require information, in order that the same

may be transmitted to the Governor of the Cape of Good Hope, to be by him referred to such persons in the Colony as may be most capable of assisting your enquiries. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from the SECRETARY TO GOVERNMENT *to* R. WILMOT HORTON, ESQRE.

CAPE OF GOOD HOPE, 27th August 1825.

SIR,—Mr. Shepherd will have the honor of delivering this Note to you, together with a Duplicate of Lord Charles Somerset's Despatch under date 6th July last, relative to the application made by the Settlers in Albany to have their Families sent out to this Colony at the Public Expence.

Mr. Shepherd has been deputed by the Settlers to attend to their Interests on this subject, and the enclosed Certificate as to his character, signed by the Principal Heads of Parties of Settlers in Albany, is transmitted for Earl Bathurst's information. I have &c.

(Signed) RICHARD PLASKET, Secretary to Government.

[Copy.]

License to MR. GEORGE GREIG.

By His Excellency the Right Honorable General Lord Charles Henry Somerset, one of His Majesty's most Honorable Privy Council, Colonel of His Majesty's First West India Regiment, Governor and Commander in Chief of His Majesty's Castle, Town, and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice Admiral of the same, Commander of the Forces, &c., &c.

Licence is hereby granted to Mr. George Greig to print and publish a Weekly Journal entitled the "*South African Com-*

mercial Advertiser,” on condition of his binding himself to his Prospectus, a Copy of which is hereunto annexed.

Cape of Good Hope, 27th August 1825.

By His Excellency's Command.

(Signed) RICHD. PLASKET,
Secretary to Government.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 29 August 1825.

MY LORD,—Since writing my Dispatch of the 5th Instant, I have received the Report of the Commissioners on the Albany District, and as it appears that the Conduct of Mr. Rivers, as Landdrost of Albany, has been highly reprehensible, your Excellency will suspend him from any employment, not only until he shall have satisfactorily vindicated himself from the charge referred to in my former dispatch, but also until he shall have been enabled to account for the great neglect of duty, which the enclosed extract from the Report of the Commissioners has imputed to him.

I will take an early opportunity of addressing a letter to your Excellency on the general contents of this Report.

I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., *to* SIR RUFANE DONKIN.

DOWNING STREET, 29 August 1825.

SIR,—With reference to the letter which you addressed to Mr. W. Horton dated the 15th of March last, containing a List of certain Items of your Public Expenditure at the Cape of Good Hope, whilst Acting Governor there, for which Lord Bathurst's sanction is necessary to enable the Auditor to pass your

accounts : I am directed by his Lordship to acquaint you that under the circumstances which you have stated in justification of that expenditure, so far as it relates to Contingencies, his Lordship is disposed to sanction the charges therein contained, as well as some of the other Items with which you have been surcharged by the Auditors. The encrease of the Salaries of existing Officers, however, and the Establishment of New Offices, come so clearly within the Instructions to which you must have had means of access, and with which it must have been of so much importance to the public that you should have made yourself thoroughly acquainted, that the circumstance of your not having been aware of them will hardly furnish a sufficient excuse for your having incurred so many Items of Expence without obtaining the previous, or at all events the subsequent sanction of the Government at home. Lord Bathurst, however, is willing to accept as satisfactory the explanations which you have offered with regard to many of them ; but the observations which you have made in answer to the surcharges of the Auditors with respect to the new appointments of Secretaries to the Deputy Landdrosts at Clan William and Cradock, are so little satisfactory that Lord Bathurst regrets to say that he feels himself precluded from relieving you from the responsibility which you have incurred with respect to those appointments, at least until more satisfactory explanations have been afforded than you appear at present to have the means of giving.

As you will no doubt think it necessary, in consequence of this communication, to endeavour to ascertain with more precision whether what you apprehend with respect to the two appointments in question be actually the case, viz. that they were in fact no new appointments, but created previously to your assuming the Government, I have the directions of Earl Bathurst to acquaint you that should you have any particular reasons for disliking to make those enquiries at the Cape, his Lordship will most readily undertake to relieve you from any awkwardness which you might be supposed to feel on that subject by instituting the necessary enquiries himself.

I have &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE TOWN, 29th August 1825.

MY LORD,—In our dispatch to your Lordship, under date the 5th ultimo, we had the honour to communicate the result of our information and opinion relative to the nature of the obligation contracted by the British government for the redemption of the paper currency of this Colony, and to the questions that had been raised in this community upon the measure of His Majesty's government, for the redemption of that paper at the rate of 1s. 6d. sterling for each paper rix-dollar.

We have now the honour to transmit to your Lordship a copy of the Petition to His Majesty, which has been prepared and is now lying for the signature of the inhabitants, praying that the Ordinance of the Governor in Council declaring British silver money a legal tender at the above mentioned rate, may be repealed.

This copy has been presented to us by the committee who were appointed to prepare the petition in pursuance of the resolutions of the two general meetings that were held in Cape Town in the month of June last.

In the consideration of the arguments that are advanced in this petition, and of the facts that are referred to in support of them, we are not aware that it will be necessary for us to offer any further observations to your Lordship; nor do we find reason to alter the opinions that we have already stated in our late dispatch.

Respecting the progress of the measure for redeeming the paper currency, we have ascertained that since the publication of the Ordinance of the 6th of June last, the sum of Three hundred and eighty-four thousand five hundred and thirty-two rixdollars has been received by the commissariat department, in exchange for bills upon His Majesty's Treasury, to the amount of £28,000 sterling; and that although the sum of £12,000 sterling in British silver money has been circulated in Cape Town within the same period, the applications of individuals to the bank for paper currency in exchange for silver,

pursuant to the Government Advertisement of the 28th June last, have not been numerous, the amount of paper currency thus reissued not having exceeded Three thousand rixdollars, or £225 sterling. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Copy.]

Letter from the Fiscal to the Secretary to Government.

FISCAL'S OFFICE, 30th August 1825.

SIR,—In further reply to your letter of the 17th Instant, having reference to the complaint preferred by Mrs. Erith of her inability to provide for herself and Children, to which I had the honor provisionally to reply on the 19th Instant, I have the honor to report to you for the information of His Excellency the Governor that the circumstance of her Husband, who returned to England leaving her behind in such a destitute situation as she actually appears to be in, added to the information which you have afforded me that he is acknowledged by Government to have a claim of indemnification against Government for the loss of Cattle taken out of his possession and inadvertently mixed with some other Cattle that has been taken from and partly restored to the neighbouring Caffre Tribes or otherwise lost, seems to entitle her in the absence of her Husband to such allowance out of the intended indemnification as will enable her to provide for the most urgent wants of herself and children. I have &c.

(Signed) D. DENYSSEN, Fiscal.

[Original.]

Letter from MR. GEORGE BURDER to R. W. HAY, ESQRE.

MISSION HOUSE, AUSTIN FRIARS, August 31st 1825.

SIR,—As it is the desire of the Directors of the London Missionary Society to afford the fullest information and to

answer every official inquiry relating to its Missionaries and their operations, I am instructed by the Directors to add to the intelligence which I had the honor to communicate to you in my letter of the 26th instant, for the information of Lord Bathurst, the following particulars which have been obtained from the Revd. Mr. Latrobe on the subject of the collecting and paying the Opgaaf by the Moravian Missionary at Enon in South Africa.

“ It is true, that our principal missionary at Enon, Brother Schmitt, has for some time past been in the habit of receiving from the Hottentots belonging to that settlement, the taxes required of them by the Colonial Government, viz.—a tax levied on each individual for his own person, another for his cattle, at so much a head, a third for the waggons in his possession.

This sum he pays over, into the hands of the Landdrost, or the proper officer at Uitenhage at stated times, together with that due from the missionaries themselves, who must contribute exactly in the same proportion. This service was undertaken voluntarily by Brother Schmitt, for reasons, which I shall afterwards specify, and has been discharged by him with the consent of the Landdrost, though without any direct commission from him; and as far as I can understand, without any of that responsibility which would attach to him were he to become surety for each individual. I need hardly add, that this voluntary labor neither invests him with the authority and influence, nor procures for him the remuneration due to an officer of Government.

Having now given you a candid statement of the facts connected with your inquiry, I beg to add a few words in explanation of the reasons, which have induced our missionary to submit to a kind of labor, which is by no means agreeable, and which may appear to some rather foreign to the character and occupation of a minister of the Gospel.

It had its origin in an application, made in course to our missionaries, by the Landdrost, for a return of the number of inhabitants, belonging to Enon, and the amount of property liable to taxation.

The generality of the Hottentots being unable to write, it was natural for their *teachers* to come to their assistance.

Besides as an exemption was made, in favor of such as were disabled by the infirmities of age, by sickness or extreme poverty, from paying these duties, it seemed particularly desirable that the missionaries should assist in making the return. Their own anxiety to obviate any further difficulty, and prevent the evasion of the demands of Government by degrees suggested the idea, upon which it appears Brother Schmitt has subsequently acted ; they took upon themselves the labor of collection, for which indeed their daily intercourse with the Hottentots afforded every facility. Two other very important reasons are however likewise assigned for this proceeding :—

First, the loss of time, incurred by the Hottentots, during a journey from Enon to Uitenhage, a distance of 30 miles, for the purpose of making their individual payments ; this alone constituting a tax, more burdensome in its nature and actual consequences, than those nominally laid upon them.

Secondly,—and this reason will, I am convinced, have its due weight with all, who sincerely wish for the moral improvement of the Hottentot race, the temptations which our people could scarcely fail to meet with on these expeditions, and the consequences of which, particularly at Groenekloof, the missionaries have had so frequently occasion to deplore. To preserve them from the contamination of vicious company, and the excesses, or even the foolish expenditure into which they may so easily be led, has appeared to our Brethren an object worthy of some personal sacrifices. And this I solemnly believe, is the sole motive, which has actuated them in submitting to the above-mentioned arrangements. I may add, that it has not been adopted, either at Gnadenthal or Groenekloof.”

On the foregoing statement I am instructed to remark, that it affords additional proof of the dissimilarity of circumstances under which the missionary at Enon collects the Opgaaf and the missionary at Bethelsdorp has been officially required to perform a similar duty. In the former case it has been a perfectly voluntary service which the missionary has undertaken, which his daily intercourse with the Hottentots affords every facility for discharging, and which has been deemed to be conducive to their personal convenience and their moral

safety. And further, that this duty has not been connected with any direct commission from the Landdrost, nor with any responsibility for individual payment.

In the instance of the Missionary at Bethelsdorp the Directors think Lord Bathurst will not fail to perceive, that the duty of collecting and paying the Opgaaf for the Hottentots of that Institution has been attempted to be forced upon Mr. Kitchingman, notwithstanding the reasons and remonstrances which have been respectfully submitted to the Colonial Government ; which include strong and serious objections to the personal responsibility which was intended to be imposed upon him, although he has no control over those from whom the tax was to be collected, and also a most firm persuasion that a due and satisfactory performance of the required duty is quite incompatible with the fulfilment of his appropriate and most important services as a Christian Minister and a successful missionary.

The Directors, Sir, most respectfully request that you will submit this communication to Lord Bathurst and also their earnest entreaties that his Lordship will give it the consideration, the countenance and the support which its verity and its high importance shall be deemed to deserve. I have &c.

(Signed) GEO. BURDER, Secretary.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 1st September 1825.

MY LORD,—The House of Commons having presented an Address to His Majesty praying that he would be graciously pleased to order certain information to be laid before them relative to the population of the Colony under your Excellency's Government, I am to desire that you will transmit to me "A Return of the number of Slaves imported under licence or otherwise, from 1st of January 1821 to the period of making the returns, specifying the date of the importation, the sex of the Slaves, the places from which they were brought, with the names of the Venders, Purchasers, Exporters and Consignees ;"

“ A similar Return of the Slaves exported during the same period, and of the places for which they were cleared out ; ”

“ A Return of the number of Manumissions effected by purchase, bequest, or otherwise, from the 1st of January 1821 to the period of making the Returns, specifying the date of each manumission, the Sex and age of the person manumitted, the price paid for the Slave's redemption, and at whose expence the same was effected, with a statement of the amount of the Tax or Fine, and also of the fees of every kind on each Manumission ; ”

“ Of the number of Marriages legally solemnized between Slaves from the 1st of January 1821, to the period of the Return, specifying the date of the marriage, the name and designation of the officiating Clergyman, the fees of every kind paid upon it, and whether it was by banns or otherwise ; ”

“ A Copy of any Law by which the marriage of Slaves is authorised and sanctioned and their connubial rights recognised and secured, and by which the separation of Husband and Wife or of Parents and Children by Sale or otherwise is rendered unlawful ; ”

“ A return of all persons committed to Gaols, Cages or Workhouses, as runaways or apprehended deserters, but who claimed to be free persons, from 1st of January 1821 to the period of making the Returns, stating the dates of Committal and discharge ; with an account of the proceedings had for verifying the claim of freedom, the decision upon it, and the final disposal of such persons ; ”

“ Of the number and names of Slaves escheated to the Crown from the 1st of January 1821 to the period of making the Return, specifying the nature and date of the transaction, the sex and age of the Slaves, and their Relation to each other, how they have been disposed of, and if sold, the manner and proceeds of their Sale, with the names of their purchasers and the price of each Lot ; ”

“ Of the number and names of Slaves taken and sold in Execution for debt, from 1st of January 1821, to the period of making the Return, specifying the date of seizure and of Sale, the names of the Owners, the sex and age of the Slaves and their relation to each other, the lots in which, and the prices at which, they were sold, and the names of their purchasers ; ”

“ A similar Return of Slaves levied upon and sold for Taxes during the same period ; ”

“ A Return of the Slave population in each year as far as the same can be ascertained from the 1st of January 1821 to the period of the Return, distinguishing the Sexes with the number of Births and Deaths in each year ; ”

“ A similar Return of the free black and coloured Population ; ”

“ A Return of the Sums raised for the support of the Poor from 1st of January 1821 to the period of the Return, distinguishing each year and specifying the rate and mode of its being made ; ”

“ A Return of the number and names of the persons who have received relief from the fund so raised for the support of the Poor, specifying their residence, sex and age and the amount of Relief and whether casual or permanent, given to each, and distinguishing the white, free black, and free coloured Paupers, and also the Slaves ; ”

And I have to desire that your Excellency will transmit these Returns with as little delay as possible, in order that they may be presented at the commencement of the next Session of Parliament. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 1st September 1825.

MY LORD,—In consequence of the very dilapidated state of the Building in the Government Gardens adjoining the public offices in Cape Town which had been used by my Predecessors as a Residence for some of the Officers of the Governor's Staff, I was induced in the year 1822 to direct a thorough repair to be made, and as the dilapidations were of a nature that did not admit of Delay I caused them to be undertaken *immediately*, and I have abundant apology to make to Your Lordship for

having omitted to report the necessity of this measure at the time and to solicit Your Lordship's authority for the Expenditure. I have only to state in Extenuation of this omission that there did not happen to be any opportunity of writing to England at the moment, and the subject not having been brought to my recollection by the Secretary to Government, it escaped my memory (amidst the multiplicity of my pressing business) that it had not been done.

The Expenses of these Repairs were from time to time defrayed (as the work proceeded) by temporary warrants, the whole accounts however having now been brought before me by the Auditor General and it being necessary that the temporary warrants should be redeemed and a general warrant issued for the total Expenditure, amounting to Fifteen Thousand Four Hundred and Twenty Eight Rixdollars and One Stiver, I have to crave Your Lordship's authority thereto and that Your Lordship will be pleased to cause Your sanction thereof to be notified to the Colonial Audit Office.

I am happy to say that the Building being in an available state has proved most fortunate, as it has enabled me to make a very considerable saving of additional accommodation for the public Departments beyond what the public office can afford (which has become indispensable) and also a Council Room and Council Office, to which this Building has been appropriated since the Establishment of the Council.

The accommodation thus afforded could not have been procured (without reference to the convenience of situation) under Two Thousand Four Hundred Rixdollars or One Hundred and Eighty Pounds Sterling a year, whilst the Interest at Six per Cent of the Sums expended does not amount to more than Nine Hundred and Twenty Five Rixdollars Five Skillings and Three Stivers or Sixty Nine Pounds Eight Shillings and Sixpence Sterling per annum. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 2nd September 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's dispatch No. 162 of the 27th April reporting the amount which has accrued to the Government by the disposal of certain Lots of Ground for building at the newly established Drostdy of Somerset, and the interest applicable annually towards the expences of the district. Having in my dispatch of the 20th Ultimo communicated to your Lordship my opinion on the measures you proposed to adopt with a view to the formation of a Drostdy at Somerset, it only remains for me in reply to your present dispatch to express my hope that your Lordship may not be disappointed in the favorable results which you have anticipated from those sales and from the other details connected with the new Establishment.

I have &c.

(Signed) BATHURST.

[Original.]*Letter from* LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 2nd September 1825.

MY LORD,—I have the honor to solicit Your Lordship's approval of the purchase I have made in Graham's Town of a Lot of ground for the Sum of Four Thousand Eight Hundred and Seventy Six Rixdollars, with the view of attaching the same to the Parsonage in the shape of Glebe Land, in concurrence with Your Lordship's suggestion as signified to me some time ago, upon which the Incumbent will have to pay Interest at the fixed rate. This purchase was effected to allay in some measure the irritability excited in the mind of Mr. Geary by the inconvenience to which he was exposed from his unruly Neighbours, and it was urged by the Commissioners of Inquiry,

whom I consulted upon the subject, as Your Lordship will perceive by the enclosed Correspondence that passed between these Gentlemen and myself on the occasion. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 2nd September 1825.

MY LORD,—Having referred to the Orphan Chamber at this Place Your Lordship's Dispatch under date the 13th April last covering a Note addressed to you by the Bavarian Charge d'Affaires making enquiry relative to two Brothers John and Gabriel Exter, I have the honor to transmit to Your Lordship a Copy of the Board's Report thereon containing the information required. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the Orphan Chamber to LORD CHARLES SOMERSET.

ORPHAN CHAMBER, September 2, 1825.

MY LORD,—The President and Members of the Orphan Board of this Colony, who have solemnly sworn, on assuming their offices, faithfully to represent, and to the best of their power to promote the interests of widows, orphans, and foreigners, whose estates, inheritances, or affairs might be entrusted to their care or administration, have deemed it their duty, on the promulgation of the Ordinance of your Excellency in Council, No. 2, dated 6 June last, by which English silver money is fixed as a legal tender in payment of the debts due to the inhabitants and to Government, at the rate of 1s. 6d. for each paper rixdollar,—a measure that has filled with dismay the minds of the greatest and most respectable part of

the inhabitants of this settlement,—to direct an inquiry to be instituted, in how far and to what extent the operation of the said Ordinance is liable to prejudice the administration of the Board itself, and those whose property and moral education have been entrusted to the care and protection of the Board ; for which purpose two members of the Board, assisted by the book-keeper, have been commissioned to report upon the case.

The President and Members having received and carefully examined the said report, cannot but agree with their commissioners ; and most humbly beg to submit to your Excellency as regards the immediate effects of the above Ordinance, that if a proper distinction be made (which every one conversant with the circumstances of this colony is bound to do) between the fluctuating course of a foreign exchange, and the value of the circulating medium in colonial dealings not connected with foreign trade, whether that circulating medium be gold, silver, copper or paper, the foreign exchange only affecting the merchant or tradesman, whereas the value of the circulating medium, if metallic, is regulated by the value in bullion, and if paper currency, by the existing security for its ultimate redemption, a distinction of which the precise or inaccurate determination is inseparably connected with and acts upon the prosperity or misfortune of every individual, be he rich or poor, high or low ; and if it be considered, in addition, that the paper currency actually in circulation is abundantly secured, not only by the guarantee of government, but for the greater part also by the mortgages on the real property of the inhabitants of this colony, and that this currency has from the beginning to the last been received at 48 Dutch stivers, or English pence, by the inhabitants of this colony confiding in the various assurances and proclamations given and issued by the successive commanders in chief, in the name and on the authority of their respective Sovereigns in Europe ;—we must candidly confess, if due attention be paid to these considerations, that by the operation of the above recited Ordinance, No. 2, those interested in the capital of the Orphan Chamber, amounting on the 31st December 1824 to rixdollars 2,766,531 1, amongst whom are upwards of 2,000 orphans, who, not being capable of managing their own affairs, have been entrusted to the protection of the Orphan Chamber, besides a number of persons

residing abroad, either in Great Britain, or subjects of foreign Powers, and whose respective interests have also, by their deceased parents or relatives, been confided to the Board of Orphan Masters; that all these, in common with the public, will suffer a loss of $62\frac{1}{2}$ per cent, or five eighths of their just and lawful property, and that no more than $37\frac{1}{2}$ per cent, or three eighths, will be reserved for them.

The result of this sudden reduction in property will naturally be, that the rich, whose possessions amount to more than all the money in circulation, and who in the first instance suffer by the depreciation, will exert their endeavours to cover that loss by other means. They will probably commence to raise by five-eighths the rent of the houses which the poor have taken on lease, gradually call in their capitals, and not suffer mortgages to remain on interest on the sale of immoveable property: so that the measure, strictly taken, will prejudice those chiefly who at the present moment can scarcely support themselves and their families. In the mean time it is this comparatively poor proportion of the community, who support and educate the destitute orphans, who scarcely possess 30, 40 or 50 Rds. in interest annually, and constitute the greater part of the number in charge of the Orphan Chamber. It cannot be expected that such persons, who are already necessitous and are likely to become more so, will continue to shelter these poor orphans, when they will have to receive only three-eighths of that which they formerly enjoyed, and to pay five-eighths more for house-rent,—no; they will be necessitated to forego the protection which they have hitherto afforded: all which cannot but be extremely injurious to these orphans. With no prospect of finding a refuge in future, they will incur the hazard of being deprived altogether of support and education; so that the direful consequences of such a diminution of the value of the circulating medium, and of the relative value of the lawful property of individuals, will become incalculable even to future orphans.

The prospects of the Orphan House, founded out of private funds, and of which the resources are as yet not sufficient to support 14 orphans, will be no less baulked by the Ordinance in question. The Orphan Chamber, seeing that in proportion as the population increased, the number of orphans will become

greater, had long formed the benevolent intention to submit to your Excellency the expediency of appropriating the surplus of their revenues to the maintenance and extension of that highly useful institution, whenever the private funds of the Chamber had accumulated in the measure they deemed fitting to guarantee its administration; but if this Ordinance be carried into effect, these prospects can never be realized.

The private funds of the Orphan Chamber (which are considered as security for all monies placed under its administration, and which indeed increases the confidence of the public in the transactions of the Board) will have received a shock, which would reduce the same to the state in which it was 13 years ago. Independent of which, the responsibility of the members of the Board has been rendered by the Ordinance equally as great as it was at the period to which we have alluded.

The President and Members confine themselves to their bounden duty in representing and defending the interests of those who are not capable of undertaking this themselves; and they cannot help cherishing a humble belief that the evil which now threatens them has not been resorted to by His Majesty's government with a knowledge of its injurious bearings, but solely from want of local information and under the most liberal impression. But as the fate and happiness of thousands of innocent children intrusted to their care will be affected by the measure, the president and members consider that they should never be justified in their own conscience, nay even by His Majesty's government, if they did not with due respect submit their remonstrances upon the occasion.

They therefore humbly hope your Excellency will be pleased to consider this address as proceeding from a Board by which a capital is administered nearly equal to the whole paper currency now in circulation, and for the faithful and impartial administration of which they are responsible to the local government, to the public, and to thousands of individuals both here and in Great Britain, and in other parts of the world; and have been held so by the Government from the earliest times. Under such circumstances the President and Members esteem it of the utmost importance, not only respectfully to recommend this subject to your Lordship's attentive consideration, as affecting so materially the interests of the poorer class of

orphans, convinced as they are that your Excellency will concur with them in judging these grievances to be of essential import to the colony, but also humbly to request that your Excellency may be pleased to lay this memorial at the feet of His Majesty, and entreat that such alterations may be made in the above Ordinance as His Majesty shall consider just and reasonable for the interests and happiness of the orphans in this colony.

We have the honour to be, with the most profound respect, &c.

(Signed) J. A. TRUTER,
A. V. BERGH,
G. E. ORNOUTE, (?)
J. F. MUNNIK,
D. KUYLS,
J. HORNE,
J. J. L. SMUTS, Secy.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to the COMMISSIONERS
OF ENQUIRY.*

DOWNING STREET, LONDON, 3rd September 1825.

GENTLEMEN,—I am directed by Earl Bathurst to transmit to you the copy of a letter together with its Enclosure which has been received from Lieutenant White, complaining of various acts towards him on the part of the local Government of the Cape of Good Hope.

As these complaints have been already brought under your notice, his Lordship has directed me to acquaint you that it would be very desirable to have your Report upon the case of this Individual, as soon as circumstances will allow. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 4th September 1825.

MY LORD,—The Commissioners of Colonial Audit having found it necessary to apply for my sanction of certain expenditure incurred by Sir Rufane Donkin during his Administration of the Government of the Cape of Good Hope from the 14th of January 1820 to the 30th of November 1821, I have considered it expedient to authorize a variety of payments which they have submitted to me. In the list of new appointments, however, there are those of Mr. "Schönnberg," Secretary to the Deputy Landdrost at Clanwilliam, with a Salary of Rds. 1000 per annum, and of Mr. C. B. Ziervogel, Secretary to the Deputy Landdrost at Cradock, with a Salary of 1000 Rix Dollars per annum; and it will be necessary previous to their receiving my sanction that I should be informed whether in fact, these were new appointments, during his Government, and if so, under what circumstances it may have been judged necessary at the time to have created them. Sir Rufane Donkin, to whom the subject has been referred, having expressed his inability to explain satisfactorily the circumstances which made these appointments necessary, without a reference to the Colony, I have to desire that you will cause the necessary enquiries to be made on the subject, in order that I may be enabled to judge of the expediency of sanctioning these two appointments. I have &c.

(Signed) BATHURST.

[Original.]*Letter from* LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 4 September 1825.

MY LORD,—With reference to the Dispatch I had the honor to address to Your Lordship on the 8th June last, No. 177, I beg leave to correct the Statement which I made as to the

probable Expence that would be incurred in the construction of an additional Schooner for the Kowie Service, it now appearing that a further Sum of Four Thousand Two Hundred and Thirty Four Rixdollars One Skilling and Three Stivers or Three Hundred and Seventeen Pounds Eleven Shillings and Four Pence Sterling is required *for the equipment* of the Vessel in question, to which I therefore solicit Your Lordship's sanction, and I trust Your Lordship will do me the favor to communicate Your approval of this Item to the Colonial Audit Office.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 5th September 1825.

MY LORD,—I have the honor to transmit to you enclosed copy of a letter which I have directed to be addressed to the Agent for the Cape of Good Hope relative to the course to be pursued in answering applications from Individuals in this Country respecting persons resident in the Colonies; and I am to request that in the event of the Colonial Agent finding it necessary to refer these applications to your Excellency, you will cause such enquiries to be made as may enable him to furnish the necessary information. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from SIR JOHN TRUTER *to* LORD CHARLES SOMERSET.

CAPE TOWN, 5th September 1825.

MY LORD,—Upwards of five years ago I took the liberty of availing myself of Your Lordship's departure on leave for England, to explain my personal circumstances and the

eventual necessity of withdrawing from public life during your absence, respectfully requesting Your Lordship might be pleased to make Your Lordship's Successor acquainted with your good intention, regarding my eventual retreat, or to submit my request to the pleasure of His Majesty's Government, with such recommendations as Your Lordship might deem proper.

Your Lordship very kindly complied with my request, and the result has not only been so far favourable as to enable Your Lordship to assure me, that you had no doubt, that whenever I might feel myself compelled to withdraw from the public Service my request would be taken into favorable consideration, but in addition to this pecuniary prospect, His Majesty at Your Lordship's recommendation, has been graciously pleased to confer on me the Honor of Knighthood.

My reason for addressing Your Lordship at that time was my valetudinary state of health, which then made it very doubtful, whether I would be able to continue holding my Situation as Chief Justice during all the time of your absence. This state of health not only still subsists, but moreover I feel a decline of strength, which renders it utterly difficult to continue performing the duties of my arduous Office with that degree of energy, which is required for my own satisfaction and a good conscience.

Under these circumstances I feel it due to His Majesty's Government, to the Public and to myself, to declare that I feel compelled to withdraw from the Public Service, and most respectfully to request Your Lordship's leave to resign the Office of Chief Justice, with which I have been entrusted by His Majesty's Government, and that Your Lordship may be pleased to fix or recommend such provision for my future support, as Your Lordship or His Majesty's Government shall deem meet, considering the nature of my public Services, in several momentous Situations, during the last six and thirty years.

Before I conclude I beg leave to offer to Your Lordship my sincere sense of gratitude for the many marks of approbation, with which you have honored me, and to assure Your Lordship that this sense of gratitude shall always be gratified, in shewing itself, whenever an opportunity offers to promote the good of

Your Lordship's administration as well as Your personal Interest. I have &c.

(Signed) J. A. TRUTER.

[Copy.]

Letter from MRS. ERITH to the SECRETARY TO GOVERNMENT.

CAPE TOWN, September 5th 1825.

SIR,—Allow me to express my acknowledgement for your kindness of Saturday last, by the advance on the Caffre Cattle (a Subject which has been under the notice of the Colonial Government since November the 1st 1821) and which I shall feel in duty bound to transmit to England by the first Mail.

Willing (altho' hitherto unaccustomed) to provide for my rising Family, I have forwarded to my Friends in Cape Town my views of commencing a Preparatory School to meet expences which I must of necessity incur more than my present reimbursement.

Should the exertion fail, I shall rest perfectly satisfied that upon mature consideration the wisdom and goodness of Sir Richard Plasket will point out the necessity of the additional expence of Rent. I have &c.

(Signed) JANE ERITH.

[Original.]

Letter from MR. BISHOP BURNETT to R. W. HAY, ESQRE.

BROWN'S HOTEL, PALACE YARD, September 5th 1825.

SIR,—Subsequent to my departure from the Cape of Good Hope Advertisements having been inserted in the Cape Town Gazette by the Colonial Authorities relative to the disposal of my property, altho' I am in appeal before the full Court of Justice in all the causes upon which judgements concerning it

have been pronounced, it must be manifest that such judgements cannot be followed up with any regard to justice while I am withheld from pursuing my appeal by Earl Bathurst's authority, and until my petition before the House of Commons is disposed of.

I have therefore to request that his Lordship will be pleased to send instructions to the proper authorities at the Cape to suspend all judicial proceedings against me, or the execution of judgements resulting therefrom, until the further signification of his pleasure. I am &c.

(Signed) B. BURNETT.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 6th September 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's Dispatch No. 171 dated 28th May 1825, transmitting the copy of a Memorial addressed to your Excellency by a considerable portion of Settlers, Inhabitants of the North East part of the District of Albany, praying for the grant of an annual Stipend for the Wesleyan Minister that might be appointed to the Chapel established in Albany; and I am sorry to acquaint your Lordship that I cannot hold out any expectation of my acceding to the prayer of the Memorial, as it would open the door to similar applications from all other Sectaries which may have established themselves at the Cape as well as in other Colonial Possessions of the Crown, which could not be refused if granted in the particular instance in question. I have &c.

(Signed) BATHURST.

[Original.]

Letter from T. P. COURTENAY, ESQRE., to R. W. HAY, ESQRE.

ABINGDON STREET, 7th September 1825.

SIR,—Having received from Lord Charles Somerset directions to send to the Cape of Good Hope, four genuine merino rams, for the purpose of keeping up the breed (now degenerating) of the merinos which were sent from this Country, some years since, with the sanction of Earl Bathurst, I have to request that you will move His Lordship to authorize me to send out, and pay for the same.

I have, at the recommendation of Sir John Sebright, who furnished the merinos formerly sent to the Cape, communicated with Mr. Benett of Wiltshire, and he informs me that he will sell four Rams, the best he has, and deliver them either in London or Plymouth for twenty five guineas each. I have &c.

(Signed) T. P. COURTENAY,
Colonial Agent for the Cape of Good Hope.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 8th September 1825.

MY LORD,—I have the honor to transmit to Your Lordship Copies of a correspondence which has taken place between the Government and the Collector of His Majesty's Customs in this Colony relative to a deficiency of the Public Revenue which was discovered some years since, owing to the misconduct and peculation of Mr. W. Birkwood one of the Clerks in that office.

It may be necessary to state to Your Lordship that Mr. Birkwood was prosecuted before the Court of Justice at the instance of the Collector of Customs in the year 1820, and was sentenced to render an Account and Vouchers for the deficiency, which Sentence was affirmed by the Court of Appeals on the 5th of January 1822, but not having complied therewith, he was condemned by the Court of Justice on the 5th September following to Civil Imprisonment.

With a view to the final arrangement of this long outstanding Case, I have to request that Your Lordship would be good enough to forward the accompanying Documents (should You deem it expedient to adopt such a mode of proceeding) to the Lords Commissioners of His Majesty's Treasury, for their Report and Decision. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[The enclosures are missing.]

[Copy.]

Letter from LORD CHARLES SOMERSET to SIR JOHN TRUTER.

GOVERNMENT HOUSE, CAPE TOWN, 8th September 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 5th Instant, submitting to me that the declining state of your health renders it difficult for you to continue in the performance of the duties of your arduous office with that degree of Energy which is required conscientiously to satisfy yourself, and soliciting therefore to withdraw from the public service ; and that I would be pleased to fix or recommend such provision for your future support as I, or His Majesty's Government may deem meet, considering the nature of your public Services.

At any other moment than the present I should not hesitate Sir, to use my earliest endeavours to comply with a request made from motives so conscientious and honorable, but having reason to believe that it is in the contemplation of His Majesty's Government to place English Judges on the Bench here, when (if not at an earlier Period) the proceedings of the Courts shall be carried on in the English Language (1st January 1827) it would certainly obviate many very embarrassing difficulties, if you could be induced to wave the consideration of your Health, and continue to fill your arduous Office until that Period. I make this appeal, Sir, with confidence, because after an experience of your character and Principles of nearly twelve years, I am persuaded that the welfare of the Public Service has always been and will continue to be your primary object,

and although from the declining state of your Health I cannot reasonably expect a continuance of the great personal exertions you have hitherto made, yet I feel confident that the very important duties of your Office would be so far and more ably performed in your hands during the period alluded to, than in any other, in which I could place them. I shall feel obliged by an early answer, as I deem it important that Earl Bathurst should be made acquainted with your Wish and the state of your health by the earliest opportunity. I beg to assure you that I am forcibly impressed with the strong claims your past Services have upon the liberality of His Majesty's Government, and I shall not fail to express my sense of them in making known your wish to retire. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. W. CROKER, ESQRE.

DOWNING STREET, 8 September 1825.

SIR,—I am directed by Earl Bathurst to request that you will express to the Lords Commissioners of the Admiralty his Lordship's desire that in the event of Lord Charles Somerset availing himself of the permission to come home which has been granted him by this Department, some means may be found for his conveyance in a ship of War.

This application would have been made by Lord Bathurst at an earlier period, had he not expected that the ship which is destined to convey Major General Bourke the Lieutenant Governor to the Cape would have served for the double purpose of bringing home Lord Charles Somerset, but as his Lordship now understands that this arrangement is not practicable, as the *Rainbow's* ultimate destination is the East Indies, Lord Bathurst requests that the Lords Commissioners of the Admiralty will give such directions on this subject as will enable Lord Charles Somerset to return home without delay, should he be desirous of so doing. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 8 September 1825.

SIR,—Having laid before Earl Bathurst your letter of the 7th instant, I am directed to convey to you his Lordship's authority to provide, pursuant to the requisition of Lord Charles Somerset four genuine Merino Rams, at a rate not exceeding Twenty five Guineas each, to be sent to the Cape of Good Hope for the purpose of keeping up the breed of Merino Sheep in that Colony. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LIEUTENANT WHITE.

DOWNING STREET, LONDON, 8 September 1825.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 25th June last and to acquaint you in reply that no Report has been received from the Commissioners of Inquiry upon the grievances which you represent yourself to have suffered at the Cape of Good Hope, but as soon as the necessary information is received, his Lordship will come to a decision upon your case. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from THOMAS PRINGLE, ESQRE., to the COMMISSIONERS OF ENQUIRY.

BAVIAAN'S RIVER,

DISTRICT OF SOMERSET, September 8th, 1825.

GENTLEMEN,—Although I do not feel myself directly called upon to come forward, at present, in defence of my case, farther than regards such points as you inform me have been con-

troverted, yet, as I have reason to believe from good authority that Lord Charles Somerset, in replying to my allegations, has rested his defence in no slight degree upon "the evidences of the *good will* he had always borne me, and the particular *favours* he had conferred upon me and my family," I consider it due to myself to meet his Lordship promptly and plainly upon that ground. I deem this course the more requisite, because his Lordship likewise, in my interview with himself on the subject of the Journal, appeared to lay great stress upon these alleged "favours," enumerating his having granted additional lands to myself and relatives, given employment to myself and my brother John, permitted me to open a school at the same time, &c., &c. With these and similar "favours" he on that occasion bitterly taunted and upbraided me, and has since, I am told, on more than one occasion talked to others very loudly of the *insolence* and rank *ingratitude* with which I have repaid him.

Now, Gentlemen, to meet this, I flatly deny, in the first place, that either I or any of my "family" have ever received from Lord Charles Somerset any favour whatever, on account of which he has a right to claim my personal or special gratitude. Whatever additional lands have been obtained for my party or friends, through my intervention, they were never asked for except through the usual official channels, nor understood to be granted on any grounds of private favour to me, but entirely on the basis of competent claims on the part of those for whom they were solicited. If his Lordship had other views in conferring those grants, they were utterly unknown to me.

But let us examine those boasted "favours" somewhat more narrowly; and first in respect to grants of land:

The general location of our party was enlarged from its original miserable modicum of 1200 acres to its present extent of 4705 morgens, by successive augmentations, all of which were granted by Sir Rufane Donkin, with the exception of a few hundred acres of pasture land measured in under the directions of Landdrost Stockenstrom immediately after Lord Charles' return to the Colony. But whatever obligations our party may owe to the *Government* for the enlargement of their location (and these I have always most willingly and gratefully acknowledged), we never conceived ourselves under any peculiar

or personal obligations, on that account, to Sir Rufane Donkin in his *individual* capacity, much less to Lord Charles Somerset, whose whole merit in the matter just amounted to this, he did *not* ruin the party (as doubtless he might have done) by merely cancelling these grants.

But there were other lands granted to us? True. When part of the ceded territory came to be incorporated into the Cradock district in 1823, I sent in a memorial to the Colonial Office, praying for a competent grant of land on the Mancazana River for two more families of my relations whom I expected out from Scotland. One of these relations (my brother Alexander) had been recommended to the Colonial Government (as I understood from Mr. Goulburn) in a letter I brought with me in 1820. This I mentioned in my memorial to Lord Charles, and an allotment of 2811 morgen was accordingly granted (after the usual course of inspection &c.) in behalf of my brother Alexander and my brother-in-law William Ainslie. This grant I now hold for these individuals, having paid all the expenses of survey, stamps, and other dues, to the amount of Rds. 400, but I possess not the slightest personal interest in the property, and merely hold it in charge for my relations, whose immigration to the Colony various unforeseen circumstances have hitherto delayed.

About the same time my brother John, having resigned his share of the location to my father (whose allotment after all only now amounts to about 600 morgen), memorialized for a place in the same glen of the Mancazana, and obtained a grant of 1468 morgen. Mr. George Rennie and Mr. Sydserff, heads of families, belonging to our party, made similar applications without any communication with me, and without even resigning any part of their claims on the location, obtained each grants in extent similar to that of my brother John. Mr. Bennet (a bankrupt merchant of Graham's Town), Mr. R. A. Stretch, and others utterly unconnected with my party, and who had not even the ordinary claims of Settlers upon Government, obtained grants of equal value in the same valley. These are facts which I merely notice to shew how far I or my "family" were peculiarly favoured in the distribution of this territory.

But truly, Gentlemen, when I hear of these additional

allotments of land being brought forward to prove that I and my relatives have been the distinguished objects of Lord Charles Somerset's special grace and bounty, it is difficult for me wholly to restrain the open expression of my scorn and derision. Granting that it were actually the fact that my family had acquired by direct grants from Lord Charles, as governor every foot of land they possess in the Colony, where would have arisen his peculiar claim to our excessive gratitude and devotion on that account ?

Is it then so very mighty a matter for respectable British farmers, who have left their home and country and all the comforts of civilized society, and brought their intelligence and enterprise and capital to improve a savage nook on the exposed frontier of Cafferland, is it so very extraordinary a favour, I ask, for such persons to obtain from Lord Charles's Government allotments of about half the extent usually given to any ignorant brutal boor who could make interest with his Landdrost to back his petition ? Have I not seen scores of such places granted to such persons since I and my party were first set down upon the wild and parched and narrow "Location" allotted us ? Do I not see at this moment the extensive country lately taken from the Caffers, or at least all the finest and most valuable part of it, in the act of being portioned out exclusively among people of this description ? many of whom were only a few years ago in open rebellion against the British Government. And am I then to consider my relations who had been accustomed to rank among the first class of Scottish farmers, as really inferior, in the estimation of Lord Charles Somerset, to the veriest vagabonds and off-scourings of the Colony, to whom he is at this instant signing grants of the choicest spots in the ceded territory, to the extent in some instances of three and four thousand morgen each ! Yes ! I know in what we are behind, I and my relations : we have not been so forward as some of these "Cape Agriculturists," as Lieutenant Proctor for instance, or the unchanged rebels of Baviaan's River and Brintjes Hoogte, in getting up lying laudatory *addresses* to serve the special purposes of Lord Charles and his son the Lieutenant Colonel. In *that* particular we must yield the palm to these "gallant Burghers and the ninety-one principal landholders of the

Cape," led on by William Proctor, Esquire ! What are we compared with such people ? What but "presumptuous, ill-affected, radical settlers," who must be better taught our place at the bottom of Society, till we learn "gratitude," and bless God and the Governor for the never-to-be-forgotten "favours" which we owe to his Excellency's special bounty !

Gentlemen, excuse me, I cannot controul my heartfelt scorn and indignation on some points of "Colonial policy," and this is one of them. But I shall pass from it for the present, and consider the other "favours" which I and my family have received from Lord Charles.

He gave my brother John an appointment on the Somerset Farm, he says. His Lordship mistakes. Mr. Hart was authorized to engage an assistant acquainted with agriculture ; he selected my brother as the fittest person he could find ; Sir Rufane Donkin sanctioned the appointment ; my brother was found well qualified for what he had undertaken ; he got a salary of Rds. 700 (about £50 Sterling) per annum ; and when Lord Charles returned to the Colony he merely did *not* turn him off, as he probably would have done had he been a person of "education." But when that establishment was broken up, he took his prize apprentice away, *because he was my brother !* That was all the "favour" he received.

But he gave me the appointment of Sub-librarian in the Government library ? Yes, his Lordship gave that appointment. He gave it to me in consequence of the recommendations I brought from Earl Bathurst's office for employment in the Colony. But it was no sinecure. I did service to the public for the public money with which I was paid. The salary too was such as it was impossible for me to subsist on in Cape Town, and support the rank of a gentleman. I had a family, and I received Rds. 1000 of salary. I applied in vain for an augmentation, and I was forced to begin a school. But the affair of the Press occurred, and I acted "inconsistently" his Lordship said "with my duty as a public servant." I thought otherwise, and resigned. A successor was appointed, who brought recommendations, not from Earl Bathurst, but from Dr. Thom and Peter Brink. He was a single man, and might therefore have made a shift to subsist on the Rds. 1000, but he was expected, I presume, to act more "consistently" with

what His Excellency considers "the duty of a public servant," for he speedily obtained a considerable increase of the salary which was thought sufficient for me and my family, even during the period when his Lordship says I was the object of his special good will and favour. So much for my appointment.

Gentlemen, in writing to you I see no use in beating about the bush. Neither is it my nature, were it politick to do so. I must speak out in plain terms. My thorough conviction is this : had I shown myself disposed to become in any shape a parasite of power, or capable of prostituting my pen to bolster up a wretched system of oppression and *humbug*, to eulogize through thick and thin Lord Charles and Lieutenant Colonel Somerset, to belaud, like Wilberforce Bird or Sir John Truter, the "beneficent administration and consummate wisdom of this nobleman in the art of Government," and the matchless "bravery and ability" of his son in defence of the frontier, had I been fit for such work, I should have found little difficulty in retaining his Lordship's "favour" and "good will."

But not only was I found unfit for this sort of work, but I had even the audacity to imagine (though but a dependant half starved sub-librarian) that I had still a right to some of the privileges of a British subject, and *this* Lord Charles accounted intolerable presumption and black ingratitude, and for *this* alone (for nothing worse can be even alleged against me) have I been denounced as a disturber of Government, and (together with my relations) placed under a sort of colonial proscription.

Such, in my opinion, are the peculiar "favours" which I and my family owe to His Excellency Lord Charles Somerset.

But, to be done with all this, and admitting for the sake of argument, that I and my relatives had actually received from Lord Charles all the peculiar favours he lays claim to, how would the admission benefit his cause? Would that circumstance justify, or even palliate, his subsequent ill usage of me? Does he indeed imagine that the high office he holds under His Majesty entitles him to treat His Majesty's subjects like the slaves of a Turkish province? to raise them one day by his "favour" and ruin them the next by his frown? to enrich them by public appointments and public lands, or to "thwart and oppose whatever they are concerned in," as his caprice

or selfish purposes may dictate? Truly, Gentlemen, if the home Government permits its functionaries to rule us upon such principles, we have made but a wretched speculation in emigrating to South Africa, and might just as well have settled on the other end of the Continent, under the sway of Algiers or Morocco!

Gentlemen, I conclude by reiterating my charge against Lord Charles Somerset. I maintain that he has insulted, calumniated, and persecuted me, and I claim redress. Part of my charge I conceive has been already proved. I respectfully wait your further communications in regard to the rest.

I have &c.

(Signed) THOS. PRINGLE.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 9 September 1825.

MY LORD,—Under the assurance in your Lordship's Despatch of the 9th July 1823 marked Circular that His Majesty's Government would not hesitate to apply to Parliament for such pecuniary grant as might be necessary for the erection of Schools &c. in this Colony, I did myself the honor on the 31st January 1824 of transmitting to Your Lordship an Estimate of the Expences for erecting these Establishments in the Country Districts.

Confident in the expectation of receiving Your Lordship's Commands upon this very important subject at an early period, I considered that I could not too soon carry into effect the benevolent Intentions of His Majesty's Government on this Head, I have the honor therefore to report to Your Lordship that a School for Slave Children has been completed in Cape Town at an expence of Five Thousand One Hundred and Eighty Rixdollars Seven Skillings and Two Stivers or Three Hundred and Eighty Eight Pounds Eleven Shillings and Four Pence Sterling, exclusive of the stores supplied by Government amounting to Two Thousand Two Hundred and Seventy Five

Rixdollars or One Hundred and Seventy Pounds Twelve Shillings and Six pence Sterling, which has been advanced from the Colonial Treasury and for which I have to solicit Your Lordship's sanction, but which will be charged against the Grant of Parliament when it shall be received.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 9th September 1825.

SIR,—Lord Bathurst having considered it expedient that all applications made by individuals in this Country for information connected with persons resident in the Colonies, should be supplied by the Colonial Agent; I am directed by his Lordship to desire that on the receipt of any such applications whether direct from the applicants themselves or forwarded to you from this Department, you will, should you have the means in your possession of complying with such request, return the information required; but should your inability to do so satisfactorily, render such a course necessary, you will transmit the enquiries to the Governor of the Cape of Good Hope in order that he may enable you to furnish the Parties with the best information which the case will admit.

I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from GEORGE HARRISON, ESQRE., to R. W. HORTON, ESQRE.

TREASURY CHAMBERS, 9th September 1825.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury Mr. Hay's letter of the 11th August last,

requesting that directions be given, that Major General Bourke, who has been appointed Lieutenant Governor of the Eastern District of the Cape of Good Hope, may be allowed to draw the usual Rations for servants and forage for horses, altho' it is not intended that he should receive the Staff Pay of his Rank, I am commanded to acquaint you for the information of Earl Bathurst that my Lords have authorized the Officer in Charge of the Commissariat at the Cape to issue these allowances accordingly. I am &c.

(Signed) GEO. HARRISON.

[Original.]

Letter from LORD CHARLES SOMERSET to the COMMISSIONERS OF ENQUIRY.

GOVERNMENT HOUSE, CAPE TOWN, 9th September 1825.

GENTLEMEN,—In a representation made by Mr. Thomas Pringle to Earl Bathurst, stating the grounds upon which he “has been reviled and ruined by me,” after enumerating various causes for my hostility, he concludes, “and above all in coming forward amongst the first, frankly and fearless of consequences, to furnish information of various flagrant abuses to His Majesty’s Commissioners of Inquiry.”

As I do not wish in transmitting my comments to Earl Bathurst upon this man’s representation to rest them upon bare assertion, I should feel very much obliged if you would have the goodness to state whether you are aware of any instance of hostility on my part towards persons who may have given you information on any circumstance connected with this Government, or the Colony; with regard to Mr. Pringle, I was not aware that he had intruded himself on you, nor indeed had I the means of knowing it even if it had been matter of any interest to me to ascertain it. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

*Letter from SIR RICHARD PLASKET to the COMMITTEE OF THE
SCOTCH CHURCH.*

COLONIAL OFFICE, 9th September 1825.

GENTLEMEN,—Mr. Thomas Pringle having in a representation he made to Earl Bathurst asserted among other things that “when a number of the principal Scotch Inhabitants of this place met to petition the Governor for permission to erect a place of Worship in connexion with the National Church of Scotland, and it was proposed that he should be nominated as one of the Committee, this proposal was opposed and finally negatived on the sole ground that his name was notoriously *obnoxious to His Excellency* and his being on the Committee might (owing to His Excellency’s well known hostility to him) be highly prejudicial to the object they had in view.”

I am directed by His Excellency the Governor to request that you will be good enough to state to me for His Excellency’s information whether there is any truth in the above assertion, and whether anything and what passed on the subject on the occasions alluded to. I have &c.

(Signed) RICHD. PLASKET,
Secretary to Government.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 10 September 1825.

MY LORD,—I have the honor to solicit Your Lordship’s approval of the Expences that have been incurred during this year for clothing the Lunaticks and Convicts on Robben Island &c., amounting to Three Thousand One Hundred and Fifteen Rixdollars, or Two Hundred and Thirty Three Pounds Twelve Shillings and Sixpence Sterling, which I have been

under the necessity of authorising, as Your Lordship will perceive from the accompanying Copy of a letter from His Majesty's Fiscal.

As some Expenditure is sure to be incurred annually under this head, although the amount is uncertain, and as the Item is therefore of a fixed Contingent nature according to the Instructions which I have received from the Lords Commissioners of His Majesty's Treasury, I beg to suggest to Your Lordship the propriety of the same being allowed to be placed on the Schedule of fixed Contingencies and to request that Your Lordship would communicate your decision hereon to the Auditors of Colonial Accounts. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

FISCAL'S OFFICE, 6th May 1825.

SIR,—I herewith have the honor to submit for the information of His Excellency the Governor the enclosed translation of a tender of Mr. C. Hancke being the only one presented to me for the supply of Cloathing to the Lunaticks in Town Somerset Hospital as also for the Convicts at Robben Island, Cape Town, Papendorp, Newlands, Buck River, and Campsbay.

It appears to me that the usual supply of one Shirt and one pair of second Cloth or Kersey trousers should be augmented to two Shirts and two pair of trousers, one to be made of common yellow leather, which will make the quantity of each article wanted amount to the numbers specified in Mr. Hancke's tender.

In case His Excellency may deem it requisite to renew the advertisement, I will cause hand Bills to be distributed among the merchants, that they may be still allowed an opportunity to tender for the same. I have &c.

(Signed) D. DENYSEN, Fiscal.

The Secretary to Government.

[Enclosure 2 in the above.]

CAPE TOWN, 6th May 1825.

SIR,—Agreeably to your further directions as to the quantity of Cloathing required, I hereby offer to furnish the same at the following prices, viz.

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
130 Kersey Jackets and Trowsers at 13Rds. 4Sks.	1,755	0	0
130 Yellow leather Trowsers at 4Rds. 4Sks.	585	0	0
260 Check Shirts at 2Rds. 2Sks.	585	0	0
134 Blue or Red striped Handkerchiefs at 5Sks.	83	6	0
13 Leather Caps at 10Sks.	16	2	0
4 Bedgowns and petty coats made of Chintz at 7Rds.	28	0	0
4 do. of Red Baize at 7Rds.	28	0	0
4 Chintz Shawls at 2½Rds.	10	0	0
8 Shifts at 3Rds.	24	0	0
Total	Rds. 3,115	0	0

I have &c.

(Signed) CAREL HANCKE.

D. Denyssen, Esqre., His Majesty's Fiscal.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. BARROW, ESQRE.

DOWNING STREET, 10th September 1825.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of 25th June last addressed to Mr. Wilmot Horton recommending the propriety of obtaining for the Service of the Naval Department the absolute Grant of a piece of Land consisting of about 80 Acres on the left bank of the Knysna at the Cape of Good Hope, of which Sir Jahleel Brenton had obtained a provisional Grant in 1820; and I am to acquaint you in reply for the information of the Lords Commissioners of the Admiralty that Lord Bathurst will give the necessary directions to the Governor of the Cape of Good Hope to comply with the recommendation of their Lordships provided no objections shall appear thereto. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 10th September 1825.

SIR,—I am directed by Earl Bathurst to transmit to you a letter which has been received from Mr. James Frier, requesting that an enquiry may be instituted as to the fate of his brother Robert Frier who was Inspector of Colonial Buildings at the Cape of Good Hope in the year 1819 ; and I am to desire that you will transmit to the Applicant any information you may be able to furnish on the subject. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from JOHN BARROW, ESQRE., to R. W. HAY, ESQRE.

ADMIRALTY OFFICE, 12th September 1825.

SIR,—Having laid before my Lords Commissioners of the Admiralty your letter of the 8th Instant, conveying the request of Earl Bathurst that my Lords would give such directions as may enable Lord Charles Somerset to return home from the Cape of Good Hope in a ship of war without delay, should he be desirous of so doing ; I am commanded by their Lordships to acquaint you, for the information of Lord Bathurst, that they have directed Commodore Christian, the senior Officer on the Cape Station, to appoint His Majesty's ship *Samarang* to convey Lord Charles Somerset to England, whenever his Lordship may signify that he is ready to proceed. I am &c.

(Signed) JOHN BARROW.

[Copy.]

Letter from the COMMISSIONERS OF INQUIRY to LORD CHARLES SOMERSET.

CAPE TOWN, 12th September 1825.

MY LORD,—We have the honor to acknowledge the receipt of your Lordship's communication of the 9th Instant, in which

after referring to an Extract from a letter of Mr. Thomas Pringle to Earl Bathurst wherein he alleges that the hostility with which your Lordship has acted towards him is attributable to the information that he declares to have frankly and fearlessly laid before us of flagrant abuses in this Government, your Lordship requests us to declare to you whether we are aware of any hostility manifested by your Lordship towards the persons who from time to time have furnished us with information on points connected with the Government of the Colony.

In reply we beg leave to assure your Lordship that we are not at present aware of any hostile feeling having been manifested by your Lordship towards Individuals in consequence of their having furnished us with information. We are unable to conjecture the means by which the information that was given us by Mr. Pringle very shortly after our arrival in the Colony could have transpired except through communications made by himself to others, and for the consequences of which he is alone responsible. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

13 September 1825.

Some correspondence and a supplementary report of Captain Knox, of Scarborough, upon the improvement of Table Bay, are not given, because they are unintelligible without the plans constantly referred to, which are missing.—G. M. T.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 13 September 1825.

MY LORD,—I have the honor to transmit to Your Lordship a Copy of a letter from the Churchwardens of the Lutheran Church in Cape Town, praying that every facility may be afforded and if possible a free passage granted to the Minister

who is expected from Europe, to relieve the Reverend Mr. Kauffman the present Pastor of that Church, and I take the liberty to recommend their request to Your Lordship's favorable consideration. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

VESTRY OF THE LUTHERAN CONGREGATION,
September 10th 1825.

SIR,—Our present Minister the Reverend Mr. F. R. Kaufmann after having fulfilled his engagement with the congregation to general satisfaction, being desirous of returning to his native Country, it has become our duty to apply to Europe for another Clergyman of the Lutheran Persuasion to succeed Mr. Kaufmann; and under a lively and grateful recollection of the kind interest which His Excellency the Governor has uniformly taken in the concerns of our congregation, we humbly submit to you the arrangement above alluded to, for the information of His Excellency.

We further avail ourselves of this opportunity humbly to request that His Excellency may graciously be pleased to move His Majesty's Secretary of State for the Colonies to grant to the Gentleman who may proceed hither for the purpose of succeeding Mr. Kaufmann as Lutheran Clergyman, in the progress of his Voyage every facility which can be afforded to him, and to grant him, if possible, a free passage to this Colony.

With Sentiments of the highest regard, &c.

(Signed) CHURCHWARDENS OF THE LUTHERAN CONGREGATION.

J. H. FROUENFELDER

R. A. ZEEDERBERG

CAREL HANCKE

J. S. LEIBBRANDT

F. W. WOEKE

J. H. STADLER.

[Copy.]

Letter from LIEUTENANT-COLONEL SOMERSET *to the*
COMMISSIONERS OF ENQUIRY.

CAPE TOWN, *September 13th, 1825.*

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of the 7th instant, wherein I am called upon to answer certain statements made against me by Mr. Bishop Burnett. I have now the honour to forward my reply to this person's statements. I have &c.

(Signed) HENRY SOMERSET, Lieut.-Colonel Cape Corps.

Mr. Burnett commences by stating that I sold my erf in Graham's Town for the sum of seven thousand rixdollars ; it is true I did so, but I purchased this erf from a private individual, paying for it a large sum ; I built a dwelling-house upon it, where I lived two years with my family ; I also built a very substantial stone stable fifty feet in length ; and I sold this property on quitting the frontier at public sale.

My present property was never offered at public sale, neither was it ever for sale in any way.

With regard to Mr. Burnett's statement of having received encouragement from me to cultivate largely, I have to state that Mr. Burnett merely mentioned to me his intention of sowing forage with a view to supplying the troops ; I informed him I was glad to hear it. As I was not commandant of the frontier I had no means of holding out any promises of favour to Mr. Burnett.

The individuals who grew forage were but few, and those only grew it on their erven. The manner in which the forage was collected was as follows : each individual who had green forage to dispose of notified it to the commissary on the day appointed for the issue of green forage, the quarter-master of the regiment received a list from the commissary, the foragers commenced cutting according to the list, and when the turn came to an individual, if his forage was not in ear, they passed on to the next on the list. Mr. Burnett's crop was barley. When his turn came his forage was not in ear, he was passed

over ; when it came again a large quantity was cut, but from the shortness and badness of the crop they were compelled after a period to cease cutting ; some time after they were sent again, but what was then left was too ripe ; so bad and scattered was Mr. Burnett's forage that it took double the number of hands to cut it that it would otherwise have done.

The statement, of the troop horses having broken loose, cannot be fact ; 1st, from its being impossible that they could get loose out of their stables ; and 2dly, had they done so, Mr. Burnett would have had the damage assessed, and the loss would immediately have been made good to him.

I believe that in 1820 not more than one or two officers of the Cape Corps possessed even, and if they sold their produce to the commissary the quantity must have been very trifling.

With regard to myself, I had no forage to dispose of ; I had seven horses in my stable and but one acre of land to sow for forage. It has occurred when the quarter-master has been in great want of forage for the officers' horses, that he has sent to borrow a load from me, this he repaid me by a load at some future period, or paid my steward for it on my account ; but so far from my having forage to dispose of, I actually received oat-hay from Cape Town for the use of my horses.

For information, which may be further desired on the subject, of the manner in which forage was supplied to the Cape Cavalry, I beg to refer to the commissary at Graham's Town. The quarter-master of the Cape Corps could also, I believe, give some information about Mr. Burnett's crop.

I should conceive the quantity of land turned up and under cultivation by Mr. Burnett was about twenty-five acres ; the crop bad, poor and scattered.

With regard to my having directed seven of the Cape Corps to cut grass on Mr. Burnett's property, the facts are these :—

The grass for the Cape Corps was always cut at Eland's Kloof, and the road from thence to Graham's Town passed over the ridge above Mr. Burnett's property. I one day received a complaint from Mr. Burnett (accompanied by his usual complimentary epithets against the Cape Corps), stating that they had been cutting a quantity of grass off his property,

I replied that had any grass been taken at any time it should be paid for ; I heard no more of this for some time. At last, a day or two before my departure from Graham's Town, in March 1821, Mr. Burnett accosted me in the street for payment of his grass ; I asked him to what amount his demand was, to my astonishment he replied upwards of 300 loads ; I declared it was impossible, but that I would make immediate inquiry of the adjutant and examine the books, and that he should obtain his receipt according to the amount stated in the books.

The grass parties consisted of a serjeant and twelve, and a daily account was kept of the quantity of grass cut and from whence taken.

The necessity of cutting grass arose from our not having a supply of forage for more than about two months in the year.

In consequence of my leaving Graham's Town so shortly, I directed Captain Stuart to examine the books, and to give Mr. Burnett his certificate ; he did so, and the amount proved to be only 47 loads ; this receipt Mr. Burnett asserted was incorrect, and he refused to receive it, but he continued to demand one from me ; he subsequently prosecuted Captain Stuart for the original demand. After the Court had examined the adjutant, and every serjeant who had been employed on the grass duty, it awarded 47 loads ; to this amount Mr. Burnett received payment.

Mr. Burnett's complaint and animosity against me is for refusing to grant him a certificate upon his original demand, without my having any document in support of its correctness.

It is needless for me to make any further remark upon this subject ; I have only to say that the statement of the various points, as now made by me, is true and correct.

(Signed) HENRY SOMERSET, Lieut.-Colonel Cape Corps.

[Copy.]

List of Applications for Land in the District of Somerset.

Parties' Names.	Slaves possessed by the Applicants.	
	Male.	Female.
Willem Abraham Bester		1
Joachim Christoffel Espagh	5	5
Adriaan de Lange		
Willem Abraham de Klerk	3	4
Jan Christoffel Greyling	1	
Willem Abraham de Klerk, W. son		
Jonathan Durand	1	4
Cornelis Meyer	1	1
Barend Michiel Woest		
Pieter Greyling	1	
Carolus Johannes Tregardt		
Louis Tregardt	6	2
Paul Bester	6	7
Hans de Lange		
Joseph van Dyk		2
Petrus Johannes Fourie, L. son		1
Lodewyk Ch. Botman		
Johannes Frederik van der Merwe	1	1
Pieter Barendse Botha	2	1
Stoffel Lombard	5	6
Lucas Cornelis Meyer		
Pieter Reneke		1
Lucas Johannes Meyer	2	1
Johannes Hendrik Botha	1	
Anthonie Johannes Carolus Botha, A. son		
J. P. Dreyer		
J. F. Vercueil		
J. G. Roux	2	
W. C. Durand		
W. van Aard	3	3
Anthonie Lombard	4	4
J. F. Lombard		
W. P. Meyer	1	2
D. W. van Rooyen		
F. Lombard	1	
The Widow Lucas Meyer		
J. J. Durand, Jans son	1	4
Marthinus van der Merwe		
A. J. Espagh	3	1
E. B. Wienand		
S. J. Botha	1	1
Willem Bam		
Carolus Meyer	1	1
B. J. de Lange		1

List of Applications for Land—continued.

Parties' Names.	Slaves possessed by the Applicants.	
	Male.	Female.
H. Lombard	1	3
B. Lutriez		
C. F. de Lange		
J. J. Mynhardt		
J. L. Durand		4
B. J. van der Vyver		1
F. C. van der Vyver		
P. F. Bouwer	1	
J. S. Hartzenberg		
B. D. Bouwer		1
Z. J. Dreyer		
C. J. van Aard	1	
Michiel Grobbelaar		
Joachim Kannemeyer		1
Petrus Gerhardus Botman		
Cornelis H. Botman	6	8
Pieter G. Botman		
Gerhardus Engelbrecht	1	5
Paul Michiel Bester, B. son	6	8
Barend Jacobus Bester, Senior	1	1
Andries Bester, Paul's son		3
Jacobus Johannes Human	2	
Stephanus Johannes Lombard, Anthonies son	2	1
Anthonie Christoffel Lombard, Anthonies son	1	
Jacobus Paul Odendaal	1	
Jacobus Johannes Odendaal	4	1
Johannes Lodewyk Bouwer	2	5
Willem Bouwer	1	1
Barend Jacobus de Klerk	8	4
Thomas Ignatius Ferreira		2
David Barnes		
J. H. Greathead		
C. H. Keulder	5	3
Alie Arens		
Joseph Arendse		
Christiaan van Aardt	1	
Theunis Gertse van Aardt		
Frans Johannes van Aardt	5	3
Jacobus Becker		
Coenraad Bezuidenhout		
Theunis J. Botha		1
Christoffel Jacobus Lodewyk Botha	1	1
Stephanus Johannes Buis	1	2
Phil. Rud. Nel, Louis son		1
Gerrit Cornelis Bothma	4	1
Phil. Rud. Botha, H. son	4	4
Simon Christoffel Bosch	3	2

List of Applications for Land—continued.

Parties' Names.	Slaves possessed by the Applicants.	
	Male.	Female.
Philip Rud. Botha, C. son	8	4
P. R. Botes		
Christiaan Botha, Jacobus son	1	1
Petrus Cornelis Bouwer		
Johannes Bronkhorst, G. son		
Petrus Gerhardus Bothma	2	1
Barend Jacobus Bester, B. son	1	1
Widow Stephanus Bekker		
Willem Botha		1
Theunis Louis Botha	2	3
Paul Michiel Bester, Senior	6	8
Gert Coetzer, Wm. son	1	
H. R. Clopper		
Thomas Curry		
J. A. Chabaud		
Lieut. J. Crowe	1	1
Jan Coetzee	2	
Laurens Marthinus Delpont		
Jacobus Delpont	1	5
Petrus Laurens Erasmus, L. son		
Laurens Johannes Erasmus, P. son	8	5
Gerrit Erasmus		
P. S. Erasmus		
J. H. Engelbrecht	7	3
Gerhardus Engelbrecht, C. son	1	5
Daniel Balthazar Erasmus, P. son		
Petrus Erasmus, Senior		
Willem Esterhuizen	5	1
Theunis Fourie		
Barend Greyling		
Pieter Hendrik Goosen, N. son	4	2
Christoffel Jacobus Groepe		
Carolus Christoffel Groepe		
Jan Andries Gildenhuis	1	
Johannes Theo. Hattingh, C. son		1
Andrew Hosie		
Hendrik Jacobus van Heerden, W. son	2	1
Frans de Jonge		1
Johannes Petrus Jordaan, P. son	4	2
Abel Daniel Kotze, L. son		
C. P. F. Lotter, W. son		
Leendert L. Labuscagne		
Jan de Lange, Senior	1	
Anthonie Lombard, H. son	5	4
Lee & Cock		
Christoffel Lombard	6	5
David Edward Malan	1	1

List of Applications for Land—continued.

Parties' Names.	Slaves possessed by the Applicants.	
	Male.	Female.
Joachim Frederik Mentz, H. son		
Jacobus Johannes Meintjes, Senior	2	2
George A. Martin	1	3
Dirk Johannes Muller		
Louis Adam Nel, W. son		
Johannes Petrus Nel	4	6
Th. Jacobus Nel, L. son		
Cornelis Johannes Olivier	4	1
C. H. S. Olivier		
Christoffel H. Olivier, C. son	5	4
Adriaan Cornelis Odendaal		
Willem Jacobus Odendaal	10	8
Paul Jacobus Odendaal	4	1
Johannes Prinsloo		
Johannes Theodorus Pietersen	1	1
Richard Peacock		
Jacobus Pretorius, H. son		
Willem Frederik Prinsloo, J. son		
A. C. Pick, Senior	1	
J. C. Potgieter, J. son	3	1
Johannes Pretorius, P. son		
Frederik Pietersen		
Simon Lodewyk Richert, P. son		
Lucas Janse van Rensburg, H. son		
Gysbert van Rooyen, C. son	5	2
Hendrik J. van Rensburg	1	
D. J. Schoeman, C. son		1
Jan David Strok	3	5
Michiel Smit, Senior		
Michiel S. Smit		
Willem Jacobus Schoeman		
Margaret Thompson		
Hendrik van der Vyver	2	1
Andries Johannes Venter, A. son		
P. J. Venter, P. son	2	2
B. J. Vorster		1
Jan van de Venter, G. son		
Hendrik Janse van Vuuren		
L. J. van Vuuren	1	1
Jan Vercueil		
The Widow Hendrik Venter	8	3
Ryk Jacobus de Waal, D. son	2	2
Jan David Wentzel, C. son	1	
William Hudson		

13th September 1825.

(Signed) P. G. BRINK,
Assistant Secretary to Government.

[Copy.]

Letter from Commissioners of the Court to the full Court of Justice.

To His Honor Sir J. A. Truter, Chief Justice, and the Members of the Worshipful Court of Justice of the Cape of Good Hope and the Dependencies thereof, &c., &c., &c.

WORSHIPFUL GENTLEMEN,—Your Worships were pleased, by Resolution of the 14th July last, to refer to us for report a letter from the Colonial Office dated the 8th of the said Month enclosing an extract from a Memorial addressed by Benjamin Wilmot to Earl Bathurst, containing complaints against our judicial proceedings as having constituted the Commission of Circuit in the Country Districts in the year 1823, and on which we have now the honor to report :

That on our arrival at Graham's Town said Wilmot made application to us requesting that he might be allowed to bring to our cognizance a case of damage he had suffered through the pounding of oxen, and notwithstanding that he had neglected to comply with the terms of the 9th Art. of the Proclamation of the 16th May 1811, we allowed that the List of cases should be amplified therewith.

That this case was brought forward for hearing accordingly on the 5th November, as will appear from the Extract hereunto annexed No. 1, from which it will be seen that the Plaintiff not having nominally stated any Defendant, the case fell as of itself. But as it appeared from the complaint that he exhibited and which is likewise annexed hereto No. 2, that it was necessary to decide previously whether the Overseer, who according to different regulations for the Pound is responsible, has been neglectful or the Complainant unwilling to release the Oxen, we conceived that the decision of this case, as involving only the value of six oxen and not amounting to Three Hundred Rixdollars, belonged in the first instance to the cognizance of the Board of Landdrost and Heemraden, the road of further appeal always remaining open to the Complainant afterwards, and that this mode was the shortest and least expensive for the complainant to obtain redress.

Hoping herewith to have complied with your Worships' intention we take the liberty to submit this as our dutiful report.

Exhibited in the Court of Justice at the Cape of Good Hope, on the 13th September 1825.

(Signed) P. J. TRUTER,
P. B. BORCHERDS.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to MR. BISHOP
BURNETT.*

DOWNING STREET, 14 September 1825.

SIR,—I have to acknowledge the receipt of your letter of the 5th instant, and I am directed by Lord Bathurst to acquaint you in reply that his Lordship has received no intelligence respecting the advertisements in the *Colonial Gazette* to which you refer, and until he shall be informed whether the Goods, the disposal of which are advertized, are goods sold by order of Government or on the claim of Creditors, it is impossible for him to interfere further than to direct that a copy of your letter should be forthwith transmitted to Lord Charles Somerset, in order that if it should appear that your Goods have been advertized by the order of Government, and that the sale of them has not already taken place, such indulgence may be granted to you as may be consistent with the purposes of Justice, and that your interests may not be prejudiced by your absence from the Colony. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from MESSRS. LONDON, PATON, AND OTHERS *to* SIR
RICHARD PLASKET.

CAPE TOWN, 14th September 1825.

SIR,—We the undersigned Members of the Committee appointed by the Scotch Presbyterian Community in this Colony have been honored with your Letter of the 9th Inst., stating that Mr. Thomas Pringle having, in a representation he made to Earl Bathurst, asserted among other things that “when a Number of the principal Scotch Inhabitants of this place met to Petition the Governor for permission to erect a place of Worship in connexion with the National Church of Scotland, and it was proposed that he should be nominated as one of the Committee, the proposal was opposed and finally negatived on the sole ground that his name was *notoriously obnoxious to His Excellency* and his being on the Committee might, owing to His Excellency’s well known hostility to him, be highly prejudicial to the object they had in view,” you were directed by His Excellency the Governor to request us to state to you for His Excellency’s information whether there is any truth in the above assertion, and whether anything and what passed on the subject on the occasion alluded to.

To which we have the honor to reply that, so far from having any knowledge of the circumstance reported by Mr. Pringle as above, we do not recollect to have heard his name mentioned, or alluded to, at the General Meeting of our Constituents or at any of our Committee Meetings, nor have we either collectively or individually the slightest knowledge of the event in question. We have &c.

(Signed)

JAMES NISBET,
WM. DICKSON,
C. MACKENZIE,
JOHN SAUNDERS,
JAMES ABERCROMBIE,
A. T. JARDINE,
JOHN FINDLAY,
JOSEPH RANKEN.

We, the Undersigned, Members of the aforesaid Committee, were not present at the General Meeting of the Scotch Presbyterian Community above alluded to. But, as far as our knowledge and information extend, we declare our total ignorance of the event reported by Mr. Pringle, and we beg leave to add that this Communication is signed by every Member of said Committee at present in this Colony, or within many hundred miles of Cape Town.

(Signed) JAMES LONDON,
GEO. PATON.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. W. CROKER, ESQRE.

DOWNING STREET, 15 September 1825.

SIR,—Earl Bathurst having been pleased to appoint Mr. Blair a Member of the Commission of Enquiry at the Cape of Good Hope ; I am directed by His Lordship to request that you will move the Lords Commissioners of the Admiralty to afford a Passage to the Cape to Mr. Blair, should any vessel be sailing for that destination at the end of the present month.

I am &c.

(Signed) R. W. HAY.

[Copy.]

*Letter from MR. J. J. L. SMUTS to the SECRETARY TO
GOVERNMENT.*

ORPHAN CHAMBER, 15th September 1825.

SIR,—I beg leave in compliance with your Letter of the 11th July last to forward to you herewith for the information of the Earl Bathurst an explanatory statement of the Capital of the Orphan Chamber made up to December last.

I have &c.

(Signed) J. J. L. SMUTS, Sec.

[Enclosure in the above.]

*Brief Statement of the Capital of the Orphan Chamber on the
31st December 1824. With Explanatory Notes.*

	<i>Rds.</i>	<i>sts.</i>
The said Capital, according to the Books closed this day, amounts to	2,766,531	1

And consists as on the Credit side of the following Items, viz.

1. Capitals Outstanding on Interest.	1,579,796	12
2. Arrears of Interest on the said capitals	88,767	30
3. Portions settled in the Orphan Chamber by appraisement	434,483	11
4. Deeds of Mortgage (Kustingbrieven)	48,064	16
5. Amount of Sums delivered to parents and other relatives for their use and profit	71,907	13
6. Amounts paid to Sundry Persons on account of such sums as will be due to them at the final settling of the Estates under the administration of the Orphan Chamber, or what they have received beyond their shares of Inherit- ance from Estates already liquidated	188,216	42
7. Balances due to the Orphan Chamber from Estates ad- ministered by the Board	64,195	32

Sundry accounts proceeding as thereby specified, and which
run in the Books under the head of standing accounts, viz.8. The Seven Firstmentioned for sums advanced to them by
order of Government, without Interest being charged
thereon, viz.

	<i>Rds.</i>	<i>sts.</i>
9. The South African School Commission.	6,000	0
10. The Church at Caledon	10,000	0
11. The Church at George	12,000	0
12. The Colonial Orphan House	8,000	0
13. The Lutheran Congregation of this Town	5,000	0
14. The Church at Uitenhage	10,000	0
15. The Government Public Library	13,700	0
	64,700	0

16. The hereaftermentioned for Balances
due by them on the amount of Public
Sales held on account of Sundry Estates
under the administration of the Orphan
Chamber, viz.Johan Gustaaf Aspeling (Son of Dirk),
Agent to the Board in the District of
Worcester

2,422 12

Carried forward

2,422 12

2,540,131 12

	<i>Rds.</i>	<i>sts.</i>	<i>Rds.</i>	<i>sts.</i>
Brought forward	2,422	12	2,540,131	12
Jan Ferdinand Bam, Agent to the Board in the District of Swellendam	320	6		
Johannes Henricus Brand, late Resident in Simon's Town	216	36		
The Testamentary Executors of Jan Pieter Faure deceased, late Secretary to the Orphan Board	18,972	20		
Christiaan Michiel Lind, Agent to the Board in Simon's Town	310	0		
Johannes Werendley van der Riet, Agent to the Board in the George District . .	29,176	10		
Johan Jacob Fredrik Roselt, Agent to the Board in the District of Uitenhage . .	610	0		
Johannes Joachim Lodewyk Smuts, Sec- retary to the Orphan Board	129,755	6		
Andries Stockenstrom, Agent to the Board in the Graaff Reinet District . .	30,928	31		
Francois Henry Stœdel, formerly Agent to the Board in the Uitenhage District	3,863	34		
			216,575	11
17. The Orphan Chamber at Amsterdam to balance of account	74	14		
18. The Orphan Chamber at Batavia to Do. Do.	1,218	2		
19. Jan Serrurier, Assistant Head Clerk of the Orphan Chamber for an advance for the purchase of stamps	101	32		
20. Kennet Nicolaas van Breda, Solicitor to the Orphan Chamber, for an advance on account of Expenses of suing before the Petty Court	100	0		
21. Cornelis de Groot and Crasser at Rotter- dam for monies received for account of the Orphan Chamber, and still under their care	344	7		
			1,838	7
Ready Money according to the accounts in the Ledger viz.				
22. In the Government Bank of Deposits and Discounts	1,808	23		
23. In the Orphan Chamber	6,177	44		
			7,986	19
Constitutes together the above Capital of			Rds. 2,766,531	1

The aforesaid capital as to the Debt side, consisting of the following Items, viz.

24. Portions of Inheritance received for account of Wards or others administered in the Orphan Chamber . . . 1,254,265 40

REMARK.—In this sum is included :

- a. Rds.5,000 presented by His Excellency the late Governor the Earl of Caledon to the Orphan House of this Colony, previous to his departure, with directions to remain under the administration and care of the Orphan Chamber.
 - b. Rds.8,000 advanced (free of Interest) to the aforesaid Orphan House from the funds of the Orphan Chamber, by order of His Excellency the present Governor Lord Charles Henry Somerset, and which sum, by the express desire of Directors of the Orphan House, has remained under the administration of the Board, in order that the Interest accruing thereon may annually be paid to the Directors of said Orphan House.
 - c. Rds.17,022-14 received under the administration of the Orphan Chamber, by order of Government, as a fund for the support and aid of sickly and aged Prize Negroes. The interest at present due on the last-mentioned sum is included in the first following amount.
- | | |
|--|------------------|
| 25. Interest due on said Portions, and belonging to Orphans and others | 121,320 38 |
| 26. Portions due to Children or Grand Children from their Parents or Grand-Parents settled in the Orphan Chamber by appraisement | 434,483 11 |
| 27. Amount of sums belonging to Orphans, and delivered to Parents or the nearest relatives for their use and profit, under sufficient Security | 71,907 13 |
| 28. Balances in favour of unliquidated Estates under the administration of the Orphan Chamber | 372,312 34 |
| 29. Amount due to Sundry Persons for their Claims on Estates already liquidated, and which is carried to their credit | 65,423 24 |
| 30. The amount of the Private Fund of the Orphan Chamber on this day's date | 446,817 33 |
| Yielding the aforesaid Capital of | Rds. 2,766,531 1 |

Explanatory Notes.

1. The disposable funds of the Orphan Chamber are put out on Interest, agreeably to the Instructions of the Board, secured by the Mortgage of Real property and the personal engagement of Two or more Sureties. The Capitals thus put out with the exception of a very few are payable three Months after due warning given. The Orphan Chamber however seldom calls in Capitals of this description, but, in cases where the property mortgaged is alienated, leaves the money on Interest with the new purchaser, provided he produces the Security required.

2. The Interest due by the Debtors of the Orphan Chamber is charged at the rate of Three per Cent every six months, viz. on the 30th of June and 31st December, on which dates they are bound to pay the Interest due. The sum here stated is the amount of Interest which remained unpaid on the 31st December 1824.

3. If one of Two Married people die ab intestato leaving no other heirs but Children begotten in Marriage by the Survivor, the Board permits the Survivor, if he or she desire it and make application to that effect, to remain in possession of the joint Estate, provided he or she fix the paternal or maternal Inheritance of such Children by appraisement. The portions so fixed are allowed to remain with the Survivor on production of adequate Security, until the Children become of age, with a view of enabling the Survivor the better to support and educate the children from the "usufruct" of their inheritances. It is on this account, and subject to these Conditions, that several persons are indebted to the Orphan Chamber in the sum here stated.

4. The Orphan Chamber, according to Colonial Custom, sells the Real Property which it has to dispose of by Public Auction, the amount of sale being payable in Three instalments, the first in Cash, the Second One year after the date of Sale, and the Third Two years after. On receiving the transfer of such property the purchaser executes Bonds for the Second and Third Instalments which are the first Mortgage on the property. These Bonds are called "Kustingbrieven," and on bonds of this description Sundry persons are indebted to the Orphan Chamber in the sum here stated. In some cases the

debtors are allowed, after their bonds have become due, to retain in their hands the Capital of the debt, upon payment of Interest to the Orphan Chamber, when Bonds are passed by them, before the Chamber, in which personal Security is given for the amount ; but in such cases the term of "Capitals outstanding on Interest" is substituted for that of "Kustingbrieven."

5. In former years the Inheritances accruing to Minors, on apportioning the Estates administered by the Chamber, were delivered over by the Chamber, under proper Security, to the Father, Mother, or nearest relations with whom the Children were residing, with the view of enabling them more effectually, from the "usufruct" of such Inheritances, to maintain and educate the Children during their minority, the Capitals being to be paid to them on their attaining their Majority. But experience having taught that this manner of placing out inheritances was generally attended with many inconveniences, it is now almost entirely abolished. It does occasionally happen that Parents, or other Persons, leave by last Will to their Children, or nearest relations, Inheritances or Legacies, the "usufruct" of which they desire that a third person, for instance, the Survivor of the Parents, or some other Individual, should enjoy, either for life, or for a certain period, who are thus put in immediate possession of the same ; and it is mostly out of Inheritances of the foregoing description that the sum here stated is composed.

6. Payment of Debts due by Persons who are both Debtors and Heirs to Estates under the administration of the Orphan Board is not claimed previous to the liquidation of such Estates, when the amount of their Inheritance or Counter Claim can at the same time be made to appear ; in like manner when Persons, being Heirs interested in Estates, purchase goods at Public Sales held on account of such Estates, payment for the articles so purchased is not required previous to the liquidation of the Estates, in order that then their shares of Inheritance may be taken as a set off against the sums in which they may be indebted to the Estates, provided, if required, they give Security for the amount. To Persons interested as Heirs in Estates, whose circumstances may require it, the Board advances money on account of their inheritances, if the con-

dition of the Estate, upon which they have claim, admit of it. This is the nature of the sum here stated, which on 31st December 1824 was due by several Individuals having interest in Estates under the administration of the Chamber, which are either unliquidated, or have only lately been brought to adjustment.

7. Upon Estates under the administration of the Orphan Chamber claims frequently exist that require to be settled previous to sufficient Cash payments having been received on account of such Estates. In such Cases the Board of Orphan Masters, if assured of the Solvency of the Estate, do not hesitate to advance monies for the discharge of the debts it may owe, and for this purpose, and under the circumstances now mentioned, this sum was advanced by the Chamber on 31st December 1824.

8. The Orphan Chamber possesses a Private fund, which has been accumulating in that Department since the year 1698, and upon which no Person whosoever has any just Claim. Respecting the Origin of this fund, its appropriation and utility, full explanation has lately been given by the Board of Orphan Masters to His Majesty's Commissioners of Inquiry and to His Excellency the Governor. From this fund the sums of Money expressed opposite to the names of the undermentioned Departments and Corporations have from time to time been advanced, without payment of interest, by the desire of the Colonial Government and with the consent of the Board.

9. By order of His Excellency the late Governor, the Earl of Caledon, under date 28th June 1811, and by resolution of the Board taken thereupon, dated 17th July, advanced in the month of September of the same year.

10. By order as abovementioned under date 20th June 1811, and resolution of the Board dated 17th July following, advanced to Churchwardens on the 20th May 1812, a Bond having been executed before the Board for the repayment of that amount.

11. By Order of His Excellency the Governor Lord Charles Henry Somerset, under date 12th July 1814, advanced to Churchwardens on 4th October 1814, a Bond having been executed before the Board for the repayment of that amount.

12. By order, as abovementioned, under date 12th July 1814, advanced in the month of September of the same year.

13. By order as abovementioned, under date 11th December 1817, advanced to Churchwardens on the 21st of the same Month following, a Bond having been executed before the Board for the repayment of that amount.

14. By order as abovementioned, under date 13th March 1817, advanced to Churchwardens on the 26th June 1818, a Bond having been executed before the Board for the repayment of that amount.

15. By order as abovementioned, under date 13th April 1820, and Resolution of the Board thereupon dated 10th May following, advanced to the Master Builder Hermanus Schutte in the months of May, June and October of the same year, upon his receipts for the amount, on account of the Expense of the Building erected for that object. Independent of which, by desire of His Excellency the Governor Lord Charles Henry Somerset, but, after previous remonstrance against, and acquiescence subsequent thereto, in the measure by the Board, a sum of Five Thousand Rixdollars, without payment of Interest and a further sum of Twelve Thousand Rixdollars for a term of Ten years, also free of Interest, were advanced to the Churchwardens of Somerset in the District of Stellenbosch on the 11th March of this year, under Two Bonds executed before the Board.

16. Public Sales held on account of the Orphan Chamber are effected in Cape Town and its vicinity, and in the Cape and Stellenbosch Districts, by the Secretary to the Board, and in the other Country Districts by Agents appointed for that purpose. As soon as these Sales have been effected, and the Vendue Rolls received at the Orphan Chamber, the Estates on whose account the sales were held are immediately credited for the first instalment of the Real, and for the whole amount of the Personal property Sold, and the Secretary and Agents debited with the same, they being accountable to the Chamber for that amount. In case of loss however they retain a claim, under certain restrictions, upon the auctioneers and their Sureties, so that on this head no injury can be sustained or even apprehended by the Estate or those interested therein, by the Orphan Chamber or by the Government. In the sums stated opposite to their names the Secretary and Agents were indebted on the 31st December 1824 in the manner aforesaid ;

but it is to be observed that the accounts of the fourth and last-mentioned have been liquidated during the course of this year.

17. This is the Balance of an account Current with the Board of Orphan Masters here.

18. Idem.

19. The fixed Salary of the first Clerk being very trifling, it cannot be expected that he should therefrom make any advances for the public Service, and as he is frequently obliged to purchase Stamps for ready money for the use of the Office, the amount of which is only repaid to him some time after, the Board therefore advances to him a sum of money for that purpose.

20. Idem, the amount advanced to him in this instance being otherwise appropriated for the Public Service.

21. This explains itself.

22. Idem.

23. Idem.

24. With the exception of the three Items below "Pro Memoria," the annexed sum consists of Inheritances and Legacies that have accrued to sundry persons out of Estates administered and liquidated by the Orphan Chamber, or otherwise been deposited in the Chamber for them, to be there retained and administered by the Board for their profit and advantage. The number of Persons who participate in this sum amounts to nearly Three Thousand, with each of whom an account is kept in the Books of the Chamber. Such of these Individuals as have attained their age, and whose Shares are not entailed with "Fidei Commis" by the Testators, or otherwise prevented from being withdrawn, can at all times receive the amount due to them respectively in Cash, or empower others to receive it for them, upon giving proper receipts for the same.

25. To all persons being minors and also to those who have attained their age, whose inheritances and legacies are entailed with the restriction of "Fidei Commis," such inheritances or legacies amounting only to Twenty-Five Guilders Indian Valuation (equivalent to Eight Rixdollars Sixteen Stivers Cape Currency, and to Twenty Guilders Dutch Money) or exceeding that sum, the Orphan Chamber allows annually an Interest of Six per cent upon the amount so entailed, and each

person is Credited in the books of the Chamber half yearly, on 30th June and 31st December, for three per cent on such amount. The Interest thus conceded which may be due to those who have arrived at Majority is paid to them every half year, that due to minors is paid in such proportions as may be necessary, to their Fathers, Mothers or nearest relations with whom they reside, for the purpose of meeting the expence of their support and education and compensating them for the same. The number of those wards, who are generally dispersed throughout the Colony, but some of whom are in Europe, whither they have proceeded for the benefit of their education, may be calculated to amount to nearly one Thousand, and it is the Interest in favor of these wards and of the full aged Persons, appearing in the Books of the Orphan Chamber on ultimo December 1824, which constitutes the sum of Rds. 121,320, 38 *sts.* here stated.

26. This is the sum of which the Debtors are detailed under No. 3. The number of Children who share in this sum amounts to nearly Two Thousand, with each of whom also an account is kept open in the books of the Orphan Chamber.

27. This sum is due to a few Persons who are almost all of age. The Debtors of this sum and the conditions and particulars of the circumstances under which they became Debtors are explained under No. 5.

28. With Estates coming under the administration of the Orphan Chamber a running account is immediately opened in the Books, and at the end of each month entries are duly made on the Credit and debit side of all Items either of receipt or disbursement. The sum here stated was the general balance on 31st December 1824 in favor of the Estates administered by the Chamber, the Settlement of which could not be effected.

29. When Estates are liquidated in the Orphan Chamber, it frequently happens that Claims against the same have been presented at the Chamber and found to be just, but could not be received by those preferring the same, owing to the great extent of the Colony, in which case credit is given in the Books to each person for the amount of his claim, until such time as he may be placed in the opportunity of receiving payment thereof. This is in some respects a troublesome, but nevertheless a necessary and useful branch of the administration.

On this account several persons had claims upon the Orphan Chamber on the 31st December 1824 for the amount here stated, viz. Rds. 65,423 24 *sts.*, but in which is included a sum of Rds. 12,599 40 *sts.*, for which the Government stood credited under that date for fees collected in the last Quarter of the year.

30. The nature of this fund has been treated upon largely under No. 8.

Orphan Chamber at the Cape of Good Hope, the 14th September 1825.

(Signed) J. J. L. SMUTS, Sec.

[Copy.]

Letter from MR. GEORGE PATON to SIR RICHARD PLASKET.

16 STRAND STREET, 15th September 1825.

SIR,—The accompanying Letter from the Scottish Presbyterian Committee, in reply to yours of the 9th Inst., is signed by every Member with the exception of our Chairman,

Mr. McDonald, who is in England, Mr. Pillans, in England, Messrs. Morrieson, Smith, and Grant in India, and Mr. Monteath, on the Frontier.

I am aware that Mr. McDonald intended to call at Earl Bathurst's Office, and to leave his address there.

I beg leave to add that your Letter of the 9th was not delivered to me, as Secretary to said Committee, until the afternoon of the 12th Inst. I have &c.

(Signed) GEO. PATON.

(See letter on p. 76.)

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 16 September 1825.

MY LORD,—Owing to the difficulties which are opposed to a free and uninterrupted communication with the Interior of this Colony by the overflowing of the Rivers during the rainy

season, and by which not only the public service is delayed by the stoppage of the mails, but the interests of Individuals materially injured by their being detained many days on the Banks of some of the Rivers ; I deemed it necessary to authorize the building of Ferry Boats on the several Rivers in the Swellendam and George Districts.

The original Expenditure of these boats must of course be defrayed by Government, but the Toll levied on them will it is hoped cover any extra expenses of keeping them in repair and paying the persons employed to work them.

I have therefore to request Your Lordship's sanction to this expense, amounting to Six Thousand Nine Hundred and Sixty Five Rixdollars or Five Hundred and Twenty Two Pounds Seven Shillings and Six Pence Sterling. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

List of Boats proposed to be constructed for the several rivers in the George and Swellendam Districts.

In the George District.

	<i>Rds.</i>
At Groote Rivier one Boat at	250
„ Diep „ „	250
„ Klippers Drift „	250
„ Wagenbooms „	250
„ Ganzen Kraal „	250
„ Molen „	250
„ Gwaagang „	250
„ Wit Els „	250
„ Groot Brak „	250
„ Klein Brak „	250
„ Gourits „	250

Rds. 2,750

In the Swellendam District.

	<i>Rds.</i>
At the Breede Rivier one Boat at	3,590
Buffelsjagt	180
Duivenhoks and Kafferkuils Rivers.	370
3 Sheds for the shelter of the same.	75

— 4,215

Rds. 6,965

At 1s. 6d. per Rixdollar equivalent to £522 7s. 6d.

[Original.]

Letter from MAJOR GENERAL BOURKE to R. W. HAY, ESQRE.

75 WIMPOLE STREET, *September 16th 1825.*

DEAR SIR,—I am going tomorrow a short distance into the Country, but purpose being in Town again on Monday, on which day I understand Lord Bathurst will be in Town also, and I mean to call at the Colonial Office to enquire if His Lordship has any commands. I purpose going on Wednesday to Southampton, there to wait the arrival of the ship at Portsmouth which is to take me. If Lord Bathurst should not wish to see me finally during his stay in Town next week, I can at any time come up from Southampton to take His Lordship's Orders; I need hardly say that there are many points upon which it will be most desirable I should receive them before my departure for the Cape. I have &c.

(Signed) RICHD. BOURKE.

P.S.—I have just received your letter of this day, and will not fail to remind you of Mr. Parker's business if I have the honor of seeing you on Monday next.—R. B.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to CAPTAIN R. KNOX.

COLONIAL OFFICE, *16 September 1825.*

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of 13th Instant, and to acquaint you in reply that his Lordship will be glad to receive the Plans and Report therein alluded to, which he will be obliged to you to forward to the Colonial Office accordingly. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to C. DE LORENTZ, ESQRE.

COLONIAL OFFICE, 16 September 1825.

SIR,—I have received the directions of Earl Bathurst to acknowledge the receipt of your letter dated 12th Instant referring to the expenses which you will be obliged to incur in completing the necessary arrangements for proceeding to take upon yourself the duties of your appointment at the Cape, and expressing the hope that His Lordship will be enabled to grant you a small sum to assist towards defraying a part of the same. Since I had the pleasure of communicating with you on the subject of your Employment, it has been decided that your full Salary should commence from the date of your embarkation. Lord Bathurst therefore hopes that this Improvement of the terms on which you were given to understand that you would receive your appointment, will, in some degree, lighten your difficulties, although his Lordship regrets that it will not be in his power to do so more effectually.

I remain &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to THOMAS PRINGLE, ESQRE.

CAPE TOWN, 16th September 1825.

SIR,—Having observed in the Copy of your address to Earl Bathurst which has been referred to us, that it is stated by you in Explanation of the Causes of Hostility shewn to you by Lord Charles Somerset, that you “had come forward among the first frankly and fearless of consequences to furnish Information to us of various flagrant abuses,” we feel ourselves called upon to request that you will state to us the grounds upon which you have attributed the hostility you have imputed

to the Governor to such a circumstance, in particular we request to be informed in what manner you conceive that the communications addressed to us by you could have transpired or reached the Governor, or even the knowledge of the fact that you had made such communications.

We are at present entirely uninformed upon these points, and are therefore unable to judge how far the mind of the Governor could have been prejudiced against you, in consequence of your communications to us, and which have not transpired from our office. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Copy.]

Letter from DR. JAMES BARRY to LORD CHARLES SOMERSET.

CAPE TOWN, *September 16, 1825.*

MY LORD,—In conformity with your Lordship's order of the 23rd August, conveyed to me through the Colonial Office "to examine into a Report upon the case of Aaron Smith" who was confined in the Town Prison, I proceeded to investigate the same, and transmitted my Report to your Excellency on the 25th. In consequence of this my Report I have been summoned to appear before the Sitting Commissioner of the Court of Justice this day, at the instance of H. M. Fiscal, to answer Interrogatories touching the facts stated therein.

Having acted in obedience to your Lordship's Commands, I declined answering any questions arising out of a Report ordered to be made by Government, as tending to introduce a dangerous principle by shackling its powers and preventing public Officers from stating in their Reports facts which they conceive ought to be brought to the cognizance of your Excellency.

For this refusal I have been sentenced to civil Imprisonment, and am advised to throw myself upon your Lordship to protect the Liberty of a public Officer who has not transgressed the

law, and the only charge against whom is that of having conscientiously discharged a public duty imposed upon him by your Excellency. I have &c.

(Signed) JAMES BARRY,
Col. Med. Inspector.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 17th September 1825.

MY LORD,—I have the honor to transmit to your Excellency enclosed copy of a letter which has been received by my Under Secretary of State from Mr. Bishop Burnett stating the circumstances under which his property had been advertized for Sale by the Colonial Authorities at the Cape of Good Hope, and praying that Instructions may be given to suspend for the present all judicial proceedings against him, and I have to desire that in regard to any measures which your Excellency may adopt in this matter, you will be guided by the answer which I have considered it advisable should be returned to Mr. Burnett's application, a copy of which I enclose for your Excellency's information. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 17 September 1825.

MY LORD,—I have the honor to transmit to your Lordship copy of a correspondence which has taken place relative to a claim made by Mr. Schutte, Contractor for building the Light House erected on Greenpoint, by order of the Acting Governor of this Colony, Sir Rufane Donkin, for an additional remuneration, beyond the amount fixed by Contract, in consequence of a very important deviation from the original Plan which He

states to have been ordered by the verbal authority of Government through the late Colonial Secretary.

Although I have found it impossible upon the very loose recollection of the case by Colonel Bird to authorise the amount of this claim to be paid to Mr. Schutte, I believe there is no doubt that some deviation from the original plan was ordered to be effected, and I therefore feel it but an act of justice to the individual concerned, to transmit the correspondence to your Lordship, soliciting your Lordship's Instructions thereon.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

COLONIAL OFFICE, 5th July 1825.

SIR,—I am directed by His Excellency the Governor to transmit to you herewith an Extract of a letter from Mr. H. Schutte, relative to the Light House at Greenpoint, erected by him on account of Government, and I have to request that you will acquaint me for the information of Government whether Mr. Schutte's statement is correct. I have &c.

(Signed) RICHD. PLASKET, Secretary to Govt.

Colonel C. Bird, late Colonial Secretary.

[Enclosure 2 in the above.]

Extract of a Letter from MR. H. SCHUTTE to the SECRETARY TO GOVERNMENT, dated 28th April 1825.

Knowing the multiplicity of important business you have to attend to, it is painful to me to encroach so much on your valuable time, but my necessities compel me further to solicit your kind representation to His Excellency of the losses I have also met with, as Contractor for the Light house at Greenpoint. When considerable progress had been made in this building in July 1822, great damage was done to it by the most severe and unprecedented weather ever known in this Colony, through which I suffered a severe loss not occasioned by any of those

contingencies for which a Contractor is always liable, but through a visitation of providence, which neither human prudence nor foresight could have guarded against.

I further beg leave to submit another circumstance respecting this Contract to His Excellency's consideration, namely that the Estimate for the original plan was Rds. 13,000, agreeably to which the Light-house was to consist of a solid pillar, with the exception of a winding stair. When the foundation was laid and finished, the (then) Colonial Secretary officially told me, that Government had abandoned the first plan of a solid pillar, and I was directed to build it hollow with apartments as it now is. This in course led to a further encrease of expence, so that the Light House has cost Rds. 21,698, from which deducting Rds. 3,097 4 *sks.* for materials supplied by Government, the Sum it stands me in is Rds. 18,600 4 *sks.* This account was sent in by my Agent to the Audit Office, but the Auditor General being totally unacquainted with the cause of the greater amount of the account than of the estimate, and not having made any inquiry, rejected and returned the account with directions to make it out according to that estimate.

As I was then at Port Frances, my Agent, who was also ignorant of the circumstances, without writing to me for instructions, made out the account anew, as he was directed, and having sent it in, received Rds. 13,000 only, leaving me a loser of Rds. 5,600, the deprivation of which for such a length of time, together with all the above-mentioned and many other casualties, have reduced me to such pecuniary want, that I am unable to satisfy the claims of my Creditors, and after all my labour and industry and every personal fatigue and inconvenience, I see myself threatened with poverty and distress.

I have too much confidence in the justice and benevolence of His Excellency and of every Member of the British Government to suppose they would passively witness the ruin of an industrious tradesman with a numerous family, through losses sustained in the service of Government, and in exertions to comply as an honest man with his engagements to the satisfaction of his Employers, without any fault, neglect, or want of precaution on his part. I therefore submit the above

Statement of facts to His Excellency's consideration, and requesting your kind recommendation of my case and your apology for the liberty I have taken in occupying so much of your time.

A true extract.

(Signed) RICHD. PLASKET, Secretary to Government.

[Enclosure 3 in the above.]

LIESBEEK COTTAGE, 9th July 1825. |

SIR,—Your letter of the 5th Instant was not delivered to me till this day. With respect to Mr. H. Schutte's representation on the subject of the Light House I beg to say that I have a very imperfect recollection of the circumstance, but I think, objection was made to the want of accommodation for a light house keeper in the first plan, and that in consequence some alteration was directed, but I am unable to speak with precision on this point. I have &c.

(Signed) C. BIRD.

To the Secretary to Government.

[Enclosure 4 in the above.]

COLONIAL OFFICE, 14th July 1825.

SIR,—I have submitted to Colonel Bird late Colonial Secretary according to your request, an Extract of the letter which you addressed to me under date the 28th April last, relative to the alteration stated to have been made in the original plan of the Light House, and having received a reply from Colonel Bird, I am directed by His Excellency the Governor to forward to you Copy thereof, and to state, that His Excellency does not conceive Himself warranted, upon such very loose authority, to order any additional Sum to be paid to you on that account.

I am &c.

(Signed) RICHD. PLASKET, Secretary to Government.

Mr. H. F. Schutte.

[Enclosure 5 in the above.]

CAPE TOWN, 5th August 1825.

SIR,—In reply to your letter of the 14th Ultimo with its enclosure from Colonel Bird, I respectfully take the liberty to say, that when I referred to that Gentleman respecting the deviation from the original plan of the Light House, it was under the impression that all the circumstances were still in his remembrance ; but as such is not the case, I now beg leave to lay before you, for His Excellency's information, the enclosed plan which I trust will set the point entirely at rest, and which only requires a few explanations in elucidation. The Figures A, B, and C are the Plan, Elevation and section of the Light House as contracted for, the figure D the section of the Building as it stands. The former, it will be seen, was to have been solid excepting a winding stair.

The latter is hollow, containing apartments for a Light House keeper on three stories, besides the ground floor. The three floors are composed of beams covered above with mason work and ceiled below so as to be fire proof. In the former the Lanterns would have stood on a solid body, but this not being the case in the latter, it was necessary to support and secure them both underneath and collaterally with strong and expensive Iron work, which as far as it is not concealed in the building is pointed out at A. A. A. besides heavy bands round the Domes. The stairs and other alterations, the figure D sufficiently shews, and I have only to add that it cannot for a moment be supposed that I would proceed to such an immensely expensive deviation, without authority, and for which I trust the latter part of the late Colonial Secretary's letter, although not circumstantial, is, in conjunction with the enclosed self evident document, a full and most satisfactory Voucher. Before I conclude, I further take the liberty to say, that although His Excellency may not feel warranted in allowing any positive remuneration for the severe and heavy losses I suffered in the progress of this work, through the violent storms in the winter of 1822, as I have before stated, I hope however that at least they will not be lost sight of in prescribing the Sum His Excel-

lency may be pleased to order me on account of the alteration from the original plan. I am &c.

(Signed) H. SCHUTTE.

Sir Richard Plasket, Secretary to Government.

[It cannot be necessary to give the plans referred to.]

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 18 September 1825.

MY LORD,—I transmit to your Excellency copies of a letter and of its Enclosures which have been received from the Admiralty on the subject of a grant of Land made provisionally to Sir Jahleel Brenton in 1820, and which upon a suggestion from the Navy Board, the Lords Commissioners of the Admiralty have recommended should be given in absolute grant to the Naval Department, as it appears that the possession of the spot in question is likely to prove of material advantage to the public Service at some future period ; I have only to desire that your Lordship will take measures, provided there shall appear no objections, for complying with the recommendation of the Lords of the Admiralty. I have &c.

(Signed) BATHURST.

[Original.]

Memorial of MR. JOHN FOURNIER.

To His Majesty's Principal Secretary of State for the Colonies.

The Memorial of the undersigned John Fournier, formerly Midshipman in His Majesty's Royal Navy, Humbly Sheweth

That your Memorialist entered the Royal Navy as Midshipman on the 2nd of January 1809, and continued his Services therein until the 15th of August 1817, comprising a period of

above eight years, when your Memorialist was discharged sick to the Royal Naval Hospital at Davenport.

Your Memorialist has certificates of his good conduct from Captain Sir Michael Seymour, Baronet, under whom he had the (honour ?) of serving five years and eight months. And also from Captains Walker and Broughton for nearly the remaining portion of his time. Your Memorialist was discharged from the Royal Naval Hospital at Davenport afflicted with a deafness which was then increasing upon him. This together with the reduction of the Royal Navy to the Peace establishment necessitated him to give up the service.

That your Memorialist then despairing of his being enabled to earn a livelihood in his native Country, emigrated, in the year 1819, to the Cape of Good Hope, where, after toiling nearly five years to no purpose, he was reduced, in consequence of his not having experienced that protection from the authorities which he had reasonably expected, to the necessity of parting with everything that he possessed to extricate himself from his difficulties and return to this Country.

Your Memorialist humbly begs leave to lay before your Lordship a duplicate of the statement which he presented to His Majesty's Commissioners of Enquiry at Cape Town, for the purpose of having it authenticated and transmitted to your Lordship, whom he humbly solicits for your Lordship's attention to the particulars therein mentioned, which have been already principally proved before Messrs. Hayward and Marsh, who were appointed to look into the case, which they decided wholly in his favor.

Your Memorialist, since his return to England has unfortunately been unable to procure any situation to earn himself a sustenance, and has therefore been, and still is obliged, to depend entirely upon his Mother at No. 3 Upper Crescent, Bath, who from the severe losses which she has lately experienced will (*sic*) able to afford it.

Your Memorialist, therefore, from abject distress, humbly prays that the length of time which he served in His Majesty's Navy, the deafness brought on gradually in the course of such Service, together with the various hardships and distresses endured by him at the Cape, more particularly set forth in the said statement, may be taken into your Lordship's considera-

tion, and something as a relief and compensation bestowed on your Memorialist, so as to enable him to earn his own livelihood.

And your Memorialist as in duty bound will ever pray &c., &c.

(Signed) JOHN FOURNIER.

NO. 2, LANCASTER COURT, STRAND,
18th of September 1825.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 19th September 1825.

MY LORD,—I have to acknowledge the receipt of your Lordship's dispatches No. 163 and No. 169 dated 28th of April and 27th of May last, reporting that a defalcation in the Revenue had been discovered amounting to upwards of 36,000 Rix Dollars, and enclosing the report of the Civil Auditor General, whom you had called upon to afford the necessary information respecting the same.

It is with much concern that I have received the intelligence of a transaction so deeply implicating the character of a Public Officer in your Lordship's Government, and that its discovery should have been followed by so horrible an event.

I cannot avoid expressing to your Lordship my extreme surprise that so long a period should have elapsed, since the misapplication of the sum in question, without any circumstance having occurred to lead to the detection of the Defaulter, as it proves the existence of very considerable negligence on the part of the Revenue Officers as well as great irregularity in the present system of accounts.

Major Monroe's conduct in this affair, from having certified to the correctness of the Receiver General's Accounts at a time when they must have been any thing but accurate, leads to the suspicion that he could hardly have been ignorant of the fraud which had been practised upon the Government, and I am therefore to request that your Lordship will call upon him, if still at the Cape, to explain his conduct, and in the event of his having quitted the Colony, that you will obtain such information respecting him, as may enable me to pursue the Enquiry.

I have to convey to your Lordship my approbation of the course which you have taken on the present occasion for securing the interests of the Government by distraining on the property of the deceased to the amount for which he had rendered himself responsible, and for your considerate forbearance in not requiring the interest on such account, as it would have proved the utter ruin of his innocent family. I am also happy to learn that his property will be fully sufficient to liquidate his debt to the Government.

I cannot conclude this dispatch without noticing that, as observed by your Lordship, all these disgraceful transactions took place, before your Lordship assumed the Government of the Cape.

I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to SIR R. PLASKET.

DOWNING STREET, LONDON, 19th September 1825.

SIR,—Having laid before Earl Bathurst your letter of the 24th of May last addressed to Mr. Horton covering an order to the Agent for the Cape of Good Hope to provide a Clock for each of the Churches in the Capitals of the Country Districts in the Interior and two Bells for the Church in Albany, I am to acquaint you, for the information of Lord Charles Somerset, that the expence of providing these Articles should fall upon the Colonial Government. I have &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the Court of Justice to the Secretary to Government.

CAPE TOWN, 19th September 1825.

SIR,—Having received by the last Country Post from Mr. Borchers, who is now on the circuit and who together with

Mr. P. J. Truter composed the Commission of Circuit in the year 1823, a Report on the complaint of Benjamin Wilmot mentioned in the two letters from the Colonial Office to this Court dated the 8th July and 12th September last, we have now the honor to transmit, for the information of His Excellency the Governor and Commander in Chief, a translation of said Report, with the Documents relating thereto, namely the complaint of Benjamin Wilmot and an extract from the Records of that Commission all mentioned Lit. A, B, and C.

We have &c.

(Signed) W. HIDDINGH.

By order of the Court.

(Signed) D. F. BERRANGÉ, Secretary.

[Copy.]

Memorial of MRS. JANE ERITH.

CAPE TOWN, *September 19th 1825.*

To His Excellency General the Right Honorable Lord Charles Henry Somerset, Governor of the Cape of Good Hope, &c., &c., &c.

May it please Your Excellency.

The Memorial of Jane Erith Humbly Sheweth

That your Excellency was pleased on the 16th ultimo to comply with her Petition for a free Passage to England. Memorialist having heard there is a Government Ship in Simon's Bay, has now humbly to request your Excellency will permit her to return, Memorialist wishing from various causes to see her children placed under the protection of her friends.

Memorialist has also to request your Excellency will be pleased to order her the surplus of her reimbursements on the cattle in order to provide her children such clothing as is requisite for so long a voyage, and to defray the few trifling

charges that stand against her in Cape Town. And Memorialist will ever pray.

(Signed) JANE ERITH.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to SIR R. PLASKET.

DOWNING STREET, LONDON, 20th September 1825.

SIR,—I am directed by Earl Bathurst to request that you will furnish me with any information which you may be able to obtain respecting the fate of Mr. Duckitt, an Agriculturist who is understood to have been sent out to the Cape by the Government about 25 years ago, and of whom some indirect Intelligence has been received by his friends in this Country which occasions apprehensions as to his not being now in existence. I have &c.

(Signed) R. W. HAY.

[Copy.]

Letter from SIR JOHN TRUTER to LORD CHARLES SOMERSET.

CAPE TOWN, September 20th 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Letter of the 8th Instant, in answer to my solicitation to withdraw from the public Service. And in respectful reply I beg leave to say, that under the circumstances stated in Your Excellency's Letter, considering the many flattering remarks of approbation with which I have been honored by His Majesty's Government, I do not feel at liberty to resist Your Excellency's wish to continue to fill my Office until the period specified in Your Excellency's Letter, in hopes that I may be able to perform the duties thereof to Your satisfaction and that of His Majesty's Government. I have &c.

(Signed) J. A. TRUTER.

[Copy.]

*Letter from Merchants in Capetown to LORD CHARLES
SOMERSET.*

CAPE TOWN, 20 September 1825.

MY LORD,—A favourable opportunity presenting itself for England, we do ourselves the honour to transmit to your Excellency the Petition to His Majesty, for the repeal of the Ordinance of the 6th of June last, bearing upwards of two thousand signatures affixed thereto, although the very great extent of the country and scattered state of the population have still prevented our receiving several lists forwarded to the distant districts for signatures.

We therefore beg leave to solicit your Lordship's most particular attention to the subject of that Petition, and confidently hope, from the interest which your Lordship has evinced, and the kind protection your Lordship has given to every discussion connected with this subject, that nothing further need be urged to call forth your Lordship's support to a Petition couched in the most respectful terms, and praying for nothing but what the inhabitants of this colony may expect from the liberality and justice of our gracious Sovereign.

We have &c.

(Signed) W. HAWKINS, Chairman,
P. L. CLOETE,
E. BERGH,
J. J. L. SMUTS,
A. CHIAPPINI,
J. A. JOUBERT,
H. G. MUNTINGH,
J. F. BECK,
J. J. VAN DEN BERG,
H. ROSS,
S. TWYXCROSS,
W. ROBERTSON,
J. H. NEETHLING,
G. H. MAASDORP,

H. CLOETE LAWCE. SON, Secretary.

[Copy.]

*Letter from MRS. JANE ERITH to the COMMISSIONERS OF
ENQUIRY.*

CAPE TOWN, *September 20th 1825.*

GENTLEMEN,—I would not have taken the liberty of intruding upon your time, and for which I beg to apologise, but it is the particular wish of my friends in Cape Town, who consider the case so extremely harsh and severe, that I should lay it before His Majesty's Commissioners of Enquiry, and which I shall endeavour to do as briefly as possible. As also that I consider myself justified in refusing all further Monthly Reimbursements, it being Mr. Erith's Property. I have &c.

(Signed) JANE ERITH.

Case.

On the first day of August finding I could get no further Reimbursement of our Property—or the Deposit Money—from the Colonial Government, and not being able to support my Family, I memorialized His Excellency the Governor in Council for a free Passage to England, and to be allowed Rations till we left. Receiving no answer, I was compelled on the 4th, 8th, 11th and 13th ultimo to severally address His Excellency again. On the 16th an answer arrived granting “a free passage to England by the first Government Ship bound to that Country,” but silent on the Subject of Rations. On the 17th I was again compelled to write to His Excellency. On the 18th I was informed that an official Letter had been sent to His Majesty's Fiscal, and that myself and Family were to have the usage of Distressed British Subjects. On the 19th His Majesty's Fiscal informed me he knew of no such usage, but, if I would call 3 days hence he would give me a positive answer. On the 22nd the answer returned by him was, “The Usage is Nothing.”

On the 23rd I submitted the Fiscal's answer to His Excellency, when on the 3rd of this Month His Excellency acknowledged Mr. Erith's claim for Caffre Cattle (27 Head of Cows, 4 Oxen and 2 Horses) and directed the Family to be allowed 30 Rds.

per Month. On the receipt of the first Instalment I represented to the Secretary to Government the utter impossibility of so small a sum being adequate to support a Family of 5 Persons for one Month, but could I find means to supply their other expenses I would, if not, I trusted upon representation my Rent (15 Rds.) would be allowed. Finding on the 16th, after using every exertion, it was in vain to contend with impossibilities, I informed the Secretary to Government that my Finances were closed, and hoped the Request for Rent would be complied with, which was refused. On the 17th I requested His Excellency would seriously consider my Family and grant the request, but was answered I should have no further assistance until the 3rd of the next month. I have &c.

(Signed) JANE ERITH.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 21 September 1825.

MY LORD,—I have the honour to transmit to your Lordship a Petition to The King's most Excellent Majesty, signed by upwards of two thousand of the principal Proprietors and other Residents in this Colony, and transmitted to me by a Committee appointed for that purpose, in a letter of which the enclosed is a copy, praying, for the reasons therein set forth, that the Ordinance issued by this Government, under date the 6 June last, by which the value of the paper Rixdollar was fixed at eighteen pence sterling, should be repealed.

In forwarding this Petition to your Lordship, it becomes necessary for me to refer to my dispatch under date 23 July last, No. 202, and which I have already sent in duplicate, as explanatory of that part of the petition which relates to the non-cancelling of the five hundred thousand rixdollars loan fund, as fast as the amount was repaid to government.

I have also to refer your Lordship to the Government Minute issued by me under date 28 June last, as per annexed copy, by which the bank, and the local authorities in the several dis-

tricts of the colony, were authorized, until further orders, to give paper rixdollars in exchange for silver, at the rate fixed by the Ordinance above mentioned.

This measure, as I had anticipated, although attended with most beneficial results as to calming the minds and feelings of the inhabitants, has had no other consequences ; and I only now allude to it with the view of pointing out to your Lordship, that should His Majesty's government feel disposed to make any alteration whatever in the rate at which the rixdollar has been fixed, the provisions of that Minute will prevent any claims being set up by individuals on account of supposed losses or hardships sustained by them during the period which has intervened and which may intervene between the date of the Ordinance and the Act which may promulgate any change that His Majesty's government may determine on, in as far as it is left to the option of every one to invest their funds either in paper rixdollars or silver.

I have also the honour to enclose to your Lordship, copy of a letter which I have received from the President and Members of the Orphan Chamber in this colony, relative to the effect which the above-mentioned Ordinance will have upon the interests of the orphans and others whose property is administered by that Board. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

To the KING'S Most Excellent MAJESTY,

The humble Petition of the Freeholders, Mortgagees, Planters and others interested in fixed and other property in the Colony of the Cape of Good Hope.

May it please Your Majesty,
We, Your Majesty's loyal subjects, Freeholders, Mortgagees, Planters and others interested in fixed and other property in Your Majesty's Colony of the Cape of Good Hope, humbly approach Your Majesty with the expression of our loyalty and devotion to Your Majesty's person and government.

We appeal to Your Majesty's paternal feelings, which ensure

the extension of Your Majesty's gracious protection equally to all Your subjects, as well to the weak as to the powerful, to those in the most remote parts of Your empire as to those nearest Your Majesty's throne.

We humbly beg to lay our case at Your Majesty's feet, in the confidence that it is only necessary to place it under Your Majesty's view, in order to obtain protection for our just rights, and security for our property.

We beg leave humbly to state, that we hold our freeholds, farms, houses, and other property of whatsoever nature, by inheritance, purchase, or other legal titles, and that our rights and privileges were secured to us by the capitulation of the 10th January 1806.

It is not however upon the articles of that capitulation, which can only relate to a certain portion of the Petitioners, that we appeal to Your Majesty, but, relying on those principles of justice and liberality which have manifested themselves in every act of Your Majesty's government, and extend to all classes of Your Majesty's subjects, we beg leave to crave Your Majesty's attention to an Ordinance issued by His Excellency the Governor of this Colony in Council, of the 6th of June last, directing, upon the introduction of silver and other coin of the British empire into this colony, that the same be received and deemed a legal tender in discharge of all debts due by and to individuals, throughout the colony, at and after the rate of one shilling and sixpence per rixdollar, Cape paper currency ; and moreover, construing that Ordinance to have a retrospective application on all debts contracted and bonds passed prior to the date of the said Ordinance ; by which measure, the Petitioners foreseeing the evils arising from such an alarming reduction of their property, having in vain implored a repeal of the said Ordinance from His Excellency the Governor in Council, find themselves compelled to lay their humble Petition at Your Majesty's feet, and beg leave to state,

That from the first establishment of this colony, the Dutch gold and silver specie were introduced, and continued current throughout the colony at and after the same rates and value they bore in Holland, while the usual mode of computation in all money transactions, debts and contracts, consisted in reckoning the Cape guilder at 16 stivers Dutch, equal to as

many pence British, and a rixdollar of treble that value, or 48 stivers Dutch, or four shillings sterling.

That such mode of calculation governed all transactions, of whatsoever nature, throughout the colony, was entered specifically in all cases of bonds registered in the public offices, and became the standard of all purchases and of the value of all property.

That, however, during the administration of the Governor Joachim van Plettenberg, his Excellency, experiencing the greatest want of specie in consequence of the war with the crown of England, after having for a while obtained the loan of specie from the inhabitants, was compelled in the year 1782 to introduce a coin stamped on parchment, with a pledge, that it would not only be re-accepted at the same value, but the whole re-exchanged for the specie then current in the colony, as soon as the necessary supplies should be received ; while at the same time the value of all foreign gold coins then also circulating in trade was permanently fixed at their relative value to this stamped currency without any agio or advance, and the exportation of any specie strictly prohibited, whereby that currency was upheld in its full value in relation to gold and silver.

That in consequence of a want of parchment, the currency was shortly afterwards stamped on ordinary paper, which was ordered to be received as lawful money in all transactions, with the same pledge of redemption as before ; and in the month of June 1782, similar small notes of two stivers each were issued under the like directions and conditions : all which several issues amounted to a sum of Rds. 159,607 6 4 ; so that by limitation in quantity, in adherence to the governing principle of a well established paper currency, its value was maintained without the prop of the precious metals.

That the urgent necessities of the government having, however, in the succeeding years forced additional issues of paper currency, to an amount of Rds. 925,219, under the pledges of speedy redemption, these promises were also soon after fulfilled by the arrival of specie from the mother country, when an amount of no less than Rds. 825,904 6 was successively redeemed and destroyed, leaving an insignificant balance of Rds. 99,315 1 4 in circulation ; which paper, in every

transaction throughout the colony, was considered and received at par, and indifferently with the specie before mentioned.

That the increasing difficulties of the colonial government subsequently produced further issues of paper money, which in the year 1793 again amounted to a sum of Rds. 895,143 34 ; when, upon the arrival of their Excellencies the Commissioners General appointed to examine into all the Dutch East India affairs, it was by them deemed expedient for the general welfare to establish a loan bank, and to fix a sum of one million of paper rixdollars as adequate to all the wants of the colony ; and it was accordingly decreed, that the whole amount in circulation should not exceed that sum ; for the security whereof, the castle of this colony and all its public works and buildings were pledged, these having been appraised by their Excellencies' order, and valued, by an official but moderate estimate, at Rds. 1,161,268.

We beg leave most humbly further to state, that the necessities of the colonial government, occasioned by the continuance of the war, led to further issues ; so that upon the surrender of this colony to the British forces on the 16th September 1795, the paper currency then in circulation was found to amount to Rds. 1,291,276 42 which, by the capitulation of that date, was guaranteed to the inhabitants in its full value, and the mortgage held by the public upon the government lands and houses, confirmed, with a further promise to the inhabitants upon a subject of such importance, to make arrangements for the further security and eventual liquidation of said currency.

The colonial paper Money, regulated by limitation as to quantity, occasionally redeemed and destroyed by issues of bills on the mother country, negotiated at the moderate rate of $7\frac{1}{2}$ per cent, as an equivalent to cover the freight and insurance on specie, and by partial substitution of specie, possessing not only the credit due to a paper formed by the government, but strengthened by the collateral security of all the public works and lands, maintained the full value it was issued to represent, and moreover passed in exchange with foreign countries at a discount barely equal to the charges of transit of bullion, and even in the year 1797 had acquired more than its par value in exchange for bills on the British government ;

which gave rise to successive proclamations, of His Excellency Sir James Craig and succeeding British governors, creating an additional amount of Rds. 495,000 of paper money, under the like pledges and conditions as the former had been issued by the Dutch government ; and the aggregate, notwithstanding the latter considerable augmentation, continued, under the salutary measures of His Excellency Lord Macartney, to maintain its original standard value, when, at the restitution of the colony to the Batavian republic, an amount of Rds. 1,786,276 42 existed in circulation.

That, during the possession of this colony by the Batavian republic, a certain portion of the colonial currency was again destroyed, and other sums created for particular specific purposes, with a pledge of redemption on the fulfilment of the objects for which the same had been designed ; so that the British government, upon succeeding to the possession of the colony in the month of January 1806, found an amount of Rds. 2,086,000 in circulation, which was guaranteed by the terms of the capitulation.

We beg leave further humbly to state, that one of the earliest acts of His Excellency Sir David Baird tended to confirm the credit of the colonial currency, by His Excellency's proclamation, of the 23rd January 1806, fixing and determining the relative value of the several coins current and introduced in that colony by the British troops ; which proclamation, in every instance, rates the Cape skilling of six stivers as equivalent to a British sterling sixpence, and a Cape rixdollar of forty-eight Dutch pence to four shillings sterling.

From that period we beg leave most humbly to state to Your Majesty, that the aforesaid value of the Cape rixdollar, upheld by the proclamations of every succeeding governor of this colony, continued in every transaction, foreign as well as internal, as also in exchange for bills negotiated, uniformly to represent and was received at four shillings sterling ; although the balance of trade that existed, or was supposed to exist, through competition produced a premium on bills of exchange in relation to sterling money, which from the year 1806 to 1810 fluctuated from 25 to 15 per cent, to the prejudice of the rixdollar in transactions with Great Britain, although varying in commercial intercourse with other countries.

We beg leave however to add, that the facility of thus creating a circulating medium to meet any real or supposed exigency of the government, soon led to the creation of an additional Rds. 80,000, for the colonial granary, under the express declaration, however, that the same would be destroyed by half yearly repayments, until the whole amount became effaced from circulation ; but we have nowhere found that this has been attended to.

That again, between the years 1806 and 1810, certain small sums were issued to the amount of Rds. 5,082 38 constituting a total of Rds. 2,171,082 38 then in circulation ; and even this amount, although it had not received the advantage that would undoubtedly have accrued from the annihilation of the creations of the years 1802, 1804, and 1806, and from the redemption and extinction of that part of the circulating medium comprised in the several creations to meet temporary exigencies, yet, if it had not been further increased, we cannot doubt would, by a progressive redemption of the existing pledges not fulfilled, even in all transactions of a foreign or external nature, have been revived, if not restored, as its exchangeable value continued to improve by a gradual declension of the premium in exchange with England to 15 per cent.

We beg leave now to advert to a proclamation of the 14th June 1810, announcing the intention of augmenting the currency, then fully ample to the wants of the country, by a creation of one million of rixdollars, whereof five hundred thousand were then issued.

The disadvantage of such an addition to a circulation already superabundant, was immediately indicated by a sudden and continued rise in the foreign exchange from 15 to 45 per cent and upwards, which not only raised the prices in currency of all imported commodities indispensable to the cultivator, thereby increasing the cost of production, but lowered the value of all colonial produce, of all species of property, the wages of labour, and the salaries of the great mass of civil servants paid in a fixed colonial currency, while it pressed heavily upon the revenue of the colony by the increase of all those high salaries paid in sterling valuation.

The baneful effects of this over-issue became still more apparent when, in furtherance of the objects of the said pro-

clamation of the 14th June 1810, the remaining Rds. 500,000 were successively issued in the years 1812, 1813, and 1814, causing an addition of 50 per cent to a currency already excessive, thereby temporally diminishing the value of all property throughout the colony, and producing a concomitant depreciation, which, in exchange with the mother country, advanced the premium progressively from 45 to 80 per cent, thereby still further raising the price of every imported commodity indispensable to agriculture as well as (in a disproportionate degree) those of a consumable nature, and increasing the cost of production, while the marketable value of produce was lowered and the revenue of the colony rendered less efficient by the continually rising amount in currency of those salaries and expenses of the government paid in sterling valuation.

We beg leave further most humbly to lay before Your Majesty, that, deeply as we lamented these results, we were still buoyed up with the confident hope that when the arrangements of the colonial government were fulfilled, and viewing that Rds. 500,000 of the last issues had been invested in the bank fund, yielding a considerable annual interest to the colonial government, that upon the repayment of these loans, they would be redeemed and withdrawn from circulation,—a promise reiterated by His Excellency's Proclamation of the 22nd June 1822, in which His Excellency was pleased to declare it both desirable and consonant to that guarantee given by the colonial government to the public, relative to the issue, circulation and value of the paper currency, that a portion should be from time to time called in and destroyed. In this hope we were however not only disappointed, but had moreover to lament that in a series of years, by withdrawing the greater part of the military forces from this colony and the island of St. Helena, by the stagnation of all commerce, the fall of prices in the chief articles of export, and the destruction of crops during three succeeding years, the balance of payments became so unfavourable as gradually to increase the exchange to near 200 per cent premium with Great Britain; thereby aggravating those evils which we before had experienced in a minor degree, and rendering the revenue of the colony so inadequate to meet a most enlarged public expenditure as to

entail a system of taxation more oppressive than any ever before experienced in this colony.

We beg leave however to add, that nothing could shake the unbounded attachment and loyalty to Your Majesty's government, of which we trust unequivocal proofs have been made manifest to Your Majesty; and we were led to hope that Your Majesty's views in relation to the welfare of all Your Majesty's dominions would soon extend to and relieve the distresses of this settlement.

In this state of general anxiety, the intelligence, that Your Majesty had been pleased to command silver and other specie to be introduced into this colony, was hailed as the first dawn of our reviving prosperity.

When, however, on the 6th of June last, the Ordinance of His Excellency the Governor in Council before mentioned was promulgated, ordering the said silver specie to be deemed a legal tender in discharge of all debts, of whatsoever nature, due by and to individuals in the colony, at the rate of one shilling and sixpence sterling per rixdollar, thereby not only depreciating a coin which was always recognised as equal to four shillings sterling, in every colonial transaction, to $\frac{3}{4}$ of its original value, but for ever reducing in the same ratio the whole value of the moveable and immoveable property, as well as of mortgages through the colony, represented by this standard, and thereby also rendering permanent and general the evils which before had been temporarily felt and had been confined to commercial transactions only; although it cannot admit of a doubt that had the redundant currency of this colony been annihilated in the spirit of the several proclamations that gave rise to the same, the paper money would have recovered from its depreciated value, and corresponding advantages would have resulted in regard to all fixed and other property; while, by the present measure, the colony would be subjected to a loss of $\frac{1}{4}$ of the whole of its general wealth.

In the present state of affairs, doubts and apprehensions have generally spread throughout the community, who now unite to implore Your Majesty's protection of their property, as it cannot but be obvious that any standard for the existing colonial currency different from that at which it has always been valued and recognised, must affect every interest from the

wealthiest proprietor to the poorest orphan, who would all participate in a loss of nearly forty millions of rixdollars, or £8,000,000 sterling, of the property of the colony, swallowed up in the gulf of this Ordinance.

We therefore beg leave humbly to pray, That it may graciously please Your Majesty to direct a repeal of the Ordinance of His Excellency the Governor of this colony in council, of the 6th June last, making British silver money a legal tender in discharge of all debts due by and to individuals throughout the colony, at and after the rate of one shilling and sixpence for every rixdollar; and that it may, moreover, please Your Majesty to direct a redemption of those pledges under which the paper currency of this colony was successively created and issued for the exigencies of the Colonial Government, and on the faith of which it was received by the public in lieu of specie, in all their transactions, by gradually and progressively destroying the same; and that in the meantime the silver and other specie of the British empire introduced into this colony may be left to seek and maintain its relative value in all colonial transactions, until the whole of the paper currency be withdrawn and effaced from circulation.

And Your Majesty's Petitioners, as in duty bound, shall every pray.

[Signed by 2,115 persons.]

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MESSRS. J. AND S. PEARCE.

DOWNING STREET, 21st September 1825.

GENTLEMEN,—Having laid before Earl Bathurst your letter of 8th Instant, I am directed to acquaint you in reply that his Lordship has not yet received any report from the Commissioners of Enquiry at the Cape of Good Hope on the case of Mr. Lancelot Cooke; and with regard to that Gentleman's application to be permitted to return to the Cape of Good Hope under the specific protection of this Government, I have only to refer you to the letter which Earl Bathurst directed to

be addressed to you on 29th January last, wherein it was clearly stated that no objection appeared to exist to Mr. Cooke's return to that Colony. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MAJOR GENERAL BOURKE.

DOWNING STREET, 21st September 1825.

SIR,—Having laid before Earl Bathurst your letter of 16th Instant requesting to be informed, in consequence of the Secretary at War having applied to you for that information, from what period the Staff pay of your Aid de Camp Major Ryan should commence, I am directed by his Lordship to acquaint you in reply that Major Ryan's pay will commence from the same date at which your Salary as Lieutenant Governor will be issued, viz. 16th day of August last.

I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MAJOR GENERAL BOURKE.

COLONIAL OFFICE, 21st September 1825.

DEAR SIR,—I have to apologize for not returning an earlier answer to your letter of 23rd Ultimo on the subject of the pay of your Extra Aid de Camp. I have not been able to ascertain positively whether the mode in which Sir P. Maitland's private Secretary is borne upon the Establishment of Upper Canada is precisely that which you have supposed. If it be, Lord Bathurst sees no objection to the proposition which you have submitted with respect to the Officer whom you wish to employ in that capacity, so far as it regards the eventual assumption by you of the Government of the Cape.

Lord Bathurst desires me to add that he thinks it *probable* that the Lieutenant Governor residing in the Eastern District will have the same indulgence as what may appear to have been given to Sir P. Maitland, it being intended that the situation of the former, in relation to the Governor in Chief, should be assimilated as much as possible to that of Sir P. Maitland in Upper Canada. But in making this communication to you, I must beg you not to consider the *probable* Arrangement to which I have above alluded, as being definitively settled, as it may be necessary for Lord Bathurst to come to a different decision. I have &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LIEUTENANT-COLONEL BIRD.

CAPE TOWN, 21st September 1825.

SIR,—In a letter that we have received from Mr. D'Escury upon the subject of his situation as Inspector of Government Lands and Woods, he has suggested to us to refer to you, relative to a communication that he alleges to have made to you in the month of January 1823, after an Interview that he had held with His Excellency Lord Charles Somerset; we have the honor to request that you will state to us whether from the purport of that communication, or any conversation that you may have had previously or subsequently with Lord Charles Somerset, you have reason to believe that a promise had been made by His Lordship to appoint Mr. D'Escury to a vacant seat in the Court of Justice.

Mr. D'Escury having attributed the disappointment of his views to his refusal to concur in the nomination of an incompetent person as an Assistant in his Office, we have the honor to request that you would inform us whether it is within your knowledge that Lord Charles Somerset proposed to Mr. D'Escury to admit into the office of Inspector of Government

Lands and Woods a person who had been His Lordship's valet, and whether this proposal was rejected by Mr. D'Escury.

We have &c.

(Signed) JOHN THOMAS BIGGE,
 W. M. G. COLEBROOKE.

[Copy.]

Letter from LIEUTENANT-COLONEL BIRD *to the* COMMISSIONERS
OF ENQUIRY.

LIESBEEK COTTAGE, 22nd September 1825.

GENTLEMEN,—In reply to the queries proposed to me in your letter dated yesterday, I have the honor to state to you that I perfectly recollect Mr. D'Escury having informed me, subsequent to an interview he had had with Lord C. Somerset, that his Lordship had promised to place him in the Court of Justice in the room of Mr. Mathiessen, who was then expected to retire. I am not certain as to the period at which this occurred, I should have placed it considerably prior to January 1823.

I do remember Lord C. Somerset having mentioned to me more than once his intention of placing Mr. D'Escury in the Court of Justice, but he did not inform me that he had promised Mr. D'Escury so to do. The intention was highly agreeable to me, as I thought a person of Mr. D'Escury's unbending probity would be a great acquisition to that Court. It is within my knowledge that Lord Charles wished to create an appointment of Assistant Inspector of Lands for his French servant, Mercier I think the man's name was ; Mr. D'Escury gave his Lordship great offence by objecting to having such a man placed in his office. The reasons Mr. D'Escury assigned for his objections were the man's not understanding one word of English or one word of the vernacular language of the Colony, and that consequently he must have been totally useless. So great was his Lordship's irritation on this occasion, that when he had failed in procuring for him the appointment of assistant astronomer, and proposed to place him in the office of the Inspector of

Slave Registry, I advised the Inspector, to whom the measure was naturally very obnoxious, not to object to receiving him, as he was inclined to do, as it would give great offence to Lord Charles, as it had done in the case of Mr. D'Escury ; Mercier was therefore placed in Major Rogers' department. The above was however not the only circumstance, as respected Mr. D'Escury, which caused Lord Charles Somerset to withdraw from him the countenance his Lordship had antecedently given to his very laborious and meritorious exertions. His Lordship had expressed his high indignation at Mr. D'Escury not having permitted Mrs. D'Escury to dine at Government House in consequence of her visit not having been returned by Lady Charles. I have still in my possession a note from Lord Charles, in which he says, in allusion to that circumstance, " it is well I did not put a person of so little judgment " (or something to that effect) " into the Court of Justice." This I now adduce as a proof of Lord Charles' intention so to have placed him. I never mentioned this anecdote to Mr. D'Escury. I have, &c.

(Signed) C. BIRD.

[Copy.]

*Letter from a Committee at the Cape of Good Hope to EARL
BATHURST.*

TOWN HOUSE, CAPE TOWN,
CAPE OF GOOD HOPE, 22nd September 1825.

MY LORD,—After a lapse of several years, during which the principal native inhabitants of this colony, and others long resident and settled here, had already experienced the most serious disadvantages, as regards their respective inheritances and possessions, by the fluctuations occasioned by a redundant circulating medium, consisting entirely of a colonial stamped paper currency, and at a time too when their previously well-grounded confidence in the justice and liberal views of His Majesty's government towards their interests had received additional force from the presence of Commissioners expressly

delegated by His Majesty to investigate into all matters connected with the local circumstances and revenues of the colony, their just expectations were at once frustrated and their prospects menaced by an Ordinance of His Excellency the Governor of this Colony in Council, promulgated on the 6th June last, making British silver and other money a legal tender in discharge of all debts due by and to individuals and the government, at the rate of one shilling and sixpence sterling for every rixdollar, and so in proportion for any greater or lesser sum.

This law, involving a subtraction of five-eighths of property from the legal holders, excited a general and grievous consternation ; and a large concourse of freeholders, mortgagees, guardians of property of foreigners and minors, immediately took place, who resolved to pray from His Excellency in Council a suspension of the above Ordinance, until His Majesty's pleasure should have been more clearly ascertained. Although their prayer was not acceded to, the confusion and disorder created by that Ordinance were however of such a nature as to lead to a subsequent government advertisement on the 28th June, by which the government loan-bank was opened to re-accept for paper the silver and other coins issued under the before-mentioned Ordinance, by which much of those evils has been temporarily guarded against ; while on the 14th June, a larger meeting of freeholders, colonists, and others interested, than was ever before witnessed in this colony, convened under the sanction of government, took place in the Town House, where we were duly elected to advocate the general interests on a subject of such vital importance ; and more particularly to collect the necessary information, and prepare a Petition to His Majesty for a repeal of the above Ordinance.

In the fulfilment of those duties, experiencing, from the multiplicity of documents and the references connected with this subject, the impossibility of submitting all those considerations within the accustomed limits of a petition to His Majesty, we have deemed it most expedient to address your Lordship, to whom the welfare of His Majesty's colonies is more immediately entrusted, and to implore your Lordship's kind attention to and support of a cause from which so large a portion of the property within this colony depends ; and we trust we shall be excused for any seeming prolixity in venturing

to give your Lordship a full and comprehensive view of every particular of our grievances.

In tracing the origin, and substitution in lieu of the precious metals, of our colonial currency, we are not without the hope of having accomplished our object, which was to point out the positive assurances and pledges of every government, for the last forty-three years, as to the full value of this currency, and feel thus still buoyed up with the confidence of a repeal of this Ordinance, and of the adoption, by His Majesty's ministers, of measures more equitable and less detrimental to our interests and properties.

When this currency was first introduced by the then Governor Joachim van Plettenberg, in the year 1782, the pledges of the government of that day were so solemnly given to the public, that we cannot refrain from quoting the precise words of his Proclamation ; viz.

“ We having been compelled to introduce a coin stamped on parchment, and issued by government ; the same shall not only be re-accepted *at the same value*, but the *whole re-exchanged for the specie usually* current in the colony, as soon as the necessary supplies shall have been received by government.

“ We do therefore order and direct all and every inhabitant to accept the aforesaid parchment coin as good and lawful cash, in all their transactions, until the same shall be re-exchanged by the honourable East India Company ; so that no person shall venture to refuse accepting the same in payment, under any pretext whatever, on pain of being prosecuted according to the merits of the case.” And the legitimate value of this coin, thus issued for the wants and received upon this pledge and the credit of the government, was further upheld by the Proclamation of the same Governor, of the 23rd September 1782, by which it was strictly prohibited “ that any person in possession of gold or silver coin should exchange the same with any the least advance, *agio* or addition, for paper currency, such having the effect of contributing towards the depreciation of the paper currency.”

Without dwelling any further upon the several creations, substitutions by specie, and partial destructions of this paper currency, as these are more particularly enumerated in the petition to His Majesty, it will be sufficient here to state to

your Lordship, that an amount of 2,086,000 rixdollars existed in circulation at the surrender of the colony to His Majesty's forces in January 1806, which amount was guaranteed to the inhabitants by the Articles of that Capitulation.

That this amount was, however, soon after increased ; and by various further issues appears to consist as follows :

	<i>Rds.</i>	<i>sts.</i>
1st.—Capital of the Lombard Bank on loan upon the mortgages of the estates of individuals.	995,000	0
2nd.—Creation for rice in 1802, under pledge to be destroyed	80,000	0
3rd.—Of a sum of 300,000 rixdollars, created in 1804, pledged to be destroyed, of which, including the sum withdrawn by ordinance of the 27th June last, 60,000 rixdollars have been destroyed, leaves	240,000	0
4th.—Creation for grain in 1806, pledged to be destroyed	80,000	0
5th.—Amount of various creations for the wants of the colonial government, for which the government became responsible to the public under security of the government lands, buildings, &c., according to the 16th article of the capitulation, of the proclamation of and various others	716,082	30
6th.—By issue in June 1810	200,000	0
7th.—By a small issue of	122	0
8th.—And by the issue of 4th March 1814, pledged to be destroyed	500,000	0
9th.—Portion of issue of 1810 for the waterworks, pledged to be destroyed	300,000	
Actually destroyed	15,000	
	<hr/>	<hr/>
	285,000	0
Forming a Total in circulation of	3,096,204	30

The whole of which is at present current in notes from 1 to 500 rixdollars, and in a large quantity of notes of 1, 2, and 4 skillings ; all of which were Originally issued to represent, and have been received by the public as equivalent to, sixpence sterling per Cape skilling, and at four shillings sterling for every rixdollar. This value was thus not only received by the government upon the issues of the several creations, but it can only have been received by the public at that valuation upon the sacred pledges of the government to maintain that

value as long as any part thereof continued in circulation ; and should it be necessary to refer to any edict to confirm this assertion, it will suffice to quote the 6th, 8th, 9th and 10th Articles of the Capitulation of the 10th January 1806, the proclamation of Sir David Baird of 23rd January 1806, that of the Earl of Caledon of the 29th May 1807, those of Sir John F. Cradock of the 4th March 1814, and that of His Excellency Lord Charles Somerset of the 22nd June 1822 ; and these documents, together with the manifold others on this subject collected by us from the most authentic sources, and herewith transmitted to your Lordship, can leave no doubt in the mind of any impartial person, but that the full value which the public gave to this currency upon the pledge and guarantee of the government, should be recognised as long as any part thereof continued in circulation, particularly when it is considered that nothing but the over-issue of this currency by the present British government constitutes the primary cause of its present depreciation.

We have merely to refer to the foregoing statement, and to the issues as noticed in the Petition to His Majesty, to confirm this position. The comparative rate of foreign exchange with other countries, although no precise, yet in some respects an infallible sign of the relative value of the circulating medium of the different countries, will show that in the year 1809, and thus for several years after the possession of this colony by the British government, the currency here not only continued to maintain its credit, but was even (from the favourable aspect which the colony then bore) fast approximating that full value at which it was originally issued and received by the public. We cannot therefore but deeply deplore that in 1810 an increase to that currency of 50 per cent of the whole amount in circulation should have been resolved upon ; a measure not only contrary to the first principles for upholding the value of a currency, but in that instance taken contrary to the very marked opinion given by a committee expressly appointed by the government to inquire into and report upon the state of the currency of that day, whose Report, dated the 18th January 1808, contained an unequivocal opinion that any increased issue of paper would immediately and necessarily lead to its depreciation. The subsequent issue of one million of rix-

dollars, created under authority of a dispatch from the Earl of Liverpool of the 3rd March 1810, granted however upon the representation of the colonial government, as to the necessity as well as the propriety of such a measure, lamentably confirmed the truth of that prophecy, and the rise of the exchange having proved the depreciation, and continuing to rise in proportion to every succeeding issue, the reasonable and only conclusion must necessarily follow, that a gradual destruction of the overplus of that currency can alone, and certainly will, restore the value of the remainder.

We beg leave however to add, that although the excessive issue of this paper constituted the primary cause of its depreciation, it is not the only one, and that in fact the currency is not depreciated to the full extent, as shown by the late rates of exchange, which have only been a nominal and not a real exchange, as regards the internal value of the currency of this colony compared with that of Great Britain. In confirmation of this statement, we take the liberty of submitting to your Lordship's notice, that the value of all property within the colony, although partially affected by the depreciation of the currency, has by no means risen in nominal value in proportion to the rise of exchange, but has been affected solely by the general state of prosperity or distress within the settlement, without varying with the fluctuations of the foreign exchanges; these fluctuations have been so considerable, often varying 30 or 40 per cent within a month, as clearly to indicate that other causes must have influenced the same; as a striking proof of which, we cannot refrain from recording, that in the month of June 1822 at a public tender for £10,000 by the Commissariat, some tenders were made at 205 per cent premium, and those *of course accepted*; while tenders at the same drawing have been sent in at 101 per cent premium, these were refused, although there were not sufficient tenders above that premium for the £10,000 tendered, which the Commissariat consequently did not obtain, although it must be supposed that the sum had been required; and the effect hereof was such, that although no tenders were made for some weeks after, a fall in the average exchange was still perceptible of near 40 per cent at the following drawing; and even at the present moment a general expectation was entertained, at the period the Ordi-

nance of the 6th June was promulgated, that a very considerable fall in the exchange with England would soon have taken place.

That this exchange is not a true criterion of the internal value of the currency is moreover apparent from the very different rates of exchange existing with other countries, as with Holland, the continent of Europe, and India, that with the former being generally 30 or 40 per cent less than with England, and that with India only 60 to 70 per cent to the discount of the rix-dollar. Stronger proof need not be alleged to show that other causes combined to keep up that high exchange with England ; and we should be ill discharging our sacred duties to the public, whose interests have been confided to our exertions, were we to deny that the method pursued by the Commissariat of disposing publicly of their bills on England to the *highest* bidders, and that of paying the high offices of the colonial government in *sterling money according* to the highest average rates of that exchange, have mainly contributed to produce this depreciation, and have thereby swallowed up all the resources and revenues of this colony. The salary, for instance, of £10,000 attached to the situation of civil governor of the colony, has increased since the last 15 years from 60,000 rixdollars to 136,250 rixdollars per annum ; and the sterling civil establishment of the colony (not including thus the Cape corps) instead of requiring 156,931 rixdollars, which at that period met all the expenses of that establishment, now draws 360,000 rixdollars annually from the revenue of the colony. This evil was further increased by the regulation which fixed the payment of these salaries, not at the average of the whole of the public tenders for bills, but the average of the three highest tenders, by which means any small tender for any insignificant sum fixed the payment of sums which absorbed the chief revenue of the colony ; although this regulation, we feel happy to say, was rescinded by His present Excellency the Governor, who has fixed the payment of those salaries at the average of the tenders accepted. These salaries, added to the establishment of a most expensive colonial corps, both of cavalry and infantry, also paid out of the colonial revenue in currency according to that high exchange, has so absorbed the income of the colony, that the taxes upon the inhabitants (of

which all the lately arrived settlers are still exempted) from 350,000 rixdollars, which in the year 1806 were fully ample to meet all the expenses of the colonial government, have now been increased to nearly *two millions* of rixdollars per annum, and have yet been found during the last two years totally inadequate to answer the demands upon the treasury for the payment of those high sterling salaries of a daily increasing civil establishment, of a most expensive colonial corps, and of enormous contingent disbursements: so that the necessity which the colonial government has lately been under to effect loans from various quarters to meet its most pressing wants, fully evinces the truth of this statement; as this state of the colonial treasury has not only absorbed a surplus revenue of 1,143,678 rixdollars, which, up to the year 1824, appeared to have accrued to government, but has rendered this government indebted to a very large amount, both to the home government and the commissariat, for advances lately made. Several other secondary causes have also served to increase the evils arising from the high rate of exchange with England, and the consequent depreciation of the paper currency; one of which consisted in the method adopted by the commissariat to make their bills payable only to persons in England, although they were paid for by persons here, and therefore were, and ought to be considered as the unquestionable property of the tenderers (as appears in the *Gazettes* of 1817) by which the means of keeping down the exchange, by enabling the persons receiving bills to accommodate third persons here, was effectually and unfairly prevented. These measures, together with the stagnation of all trade, the restrictions on some articles of exports, and various other causes arising from the distressed state of this settlement within the last few years, have considerably increased these evils, although the causes of depreciation cannot be ascribed thereto only, the exchange with England having already risen to 130 and 140 per cent during the years of greatest prosperity of the colony; but they have no doubt co-operated to bring this colony to a condition now calling for the immediate assistance of His Majesty's paternal Government, which has given us ample proofs that it only wishes to become clearly acquainted with the causes of our distress, to alleviate, instead of perpetuating the same. In us it would

appear presumptuous to suggest the modes best calculated to remedy these evils ; they will be best perceived and felt by merely weighing their true causes, and removing these. The most apparent, however, appear to consist in a speedy destruction of the currency created since the year 1806, pledged to be destroyed, and the subsequent annihilation of the payments of interest and instalments as they become due by individuals to the government loan bank, after defraying the expenses of that establishment ; in fixing the salaries of the civil servants paid in sterling at a definite amount in colonial currency ; and in relieving the colony from the burthen pressing upon it by the payment of the colonial corps out of the revenue of the colony. We cannot but entertain the most sanguine expectation that the pursuance of these simple methods would in the course of a very few years materially improve, if not fully restore the value of the colonial currency, and enable the colonial government to redeem its pledges with every appearance of good faith and justice towards the public.

For more minute particulars we only beg to refer your Lordship to Lieutenant-Colonel C. Bird, who has been especially appointed by us for the purpose of conveying to your Lordship and His Majesty's Government all the information obtainable on this subject, in whose talents and knowledge of these matters we have placed the most implicit reliance. We have, &c.

(Signed)

W. HAWKINS, Chairman

P. L. CLOETE, jun.

J. J. SMUTS

HAMILTON ROSS

J. J. VAN DEN BERG

J. A. JOUBERT

W. ROBERTSON

J. F. BECK

H. G. MUNTINGH

STEPHEN TWYXCROSS

G. BERGH

G. H. MAASDORP

J. NEETHLING

H. CLOETE, jun., *Secretary.*

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. BARROW, ESQRE.

DOWNING STREET, 23 September 1825.

SIR,—With reference to your letter of 16th Instant stating that directions would be given to the Captain of His Majesty's Ship *Helicon* to accommodate Mr. Blair with a Passage in that Vessel to the Cape of Good Hope in pursuance of Lord Bathurst's request contained in my letter of 15th Instant, I am directed by his Lordship to acquaint you for the information of the Lords Commissioners of the Admiralty that as Mr. Blair has been given to understand that he will be expected to remunerate the Captain of the *Helicon* for his accommodation during the voyage according to the usual rate in such instances, it will not be necessary that any measures should be taken by the different Departments on the subject. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to G. HARRISON, ESQRE.

DOWNING STREET, 23rd September 1825.

SIR,—It having been judged expedient that a third Member should be appointed to the Commission of Enquiry at present employed at the Cape of Good Hope, I am directed by Earl Bathurst to acquaint you for the information of the Lords Commissioners of His Majesty's Treasury that Mr. Blair has been nominated to that appointment; and I am at the same time to request that you will move their Lordships to give directions for the issue to Mr. Blair of £1000 as Outfit Money, being the same allowance which was formerly granted for this purpose to the two other Members of the Commission. I am &c.

(Signed) R. W. HAY.

[Original.]}

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 24 September 1825.

MY LORD,—Having submitted to the consideration of Council Your Lordship's Despatch under date the 8th February last No. 139, with the accompanying Draft of an Order in Council which had been passed for the amelioration of the Slaves in the Island of Trinidad, and copies of two subsequent Proclamations which had been issued in that Island for modifying and explaining the same, I have now the honor to submit for Your Lordship's approval the Draft of an Order in Council for the amelioration of the Slave population in this Colony, drawn up as nearly as local circumstances would admit, in the spirit of the Trinidad order.

I beg leave also to forward at the same time, a note explanatory of the reasons which have induced the Council to deviate in some points from the Regulations laid down for the Island of Trinidad. I have, &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Extracts from the Proceedings of His Excellency the Governor in Council, at the Cape of Good Hope.

[Enclosure 2 in the above.]

Draft of Ordinance of the Governor in Council for improving the condition of the Slaves at the Cape of Good Hope.

1. Whereas the propagation of Christianity and the general diffusion of religious Instruction amongst Slaves will tend, beyond any other measure, to promote morality amongst them, and to improve their condition and conduct :—And whereas it is necessary that provision should be made for the regular attainment of these objects in His Majesty's Colony at the Cape of Good Hope.

And whereas the Inspector of Slave Registry in the said

Colony hath hitherto acted as the Recorder of the Rights and Privileges of the Slave Population, His Majesty is therefore pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the Inspector of Slave Registry at the Cape of Good Hope shall be, and he is hereby appointed Registrar and Guardian of Slaves in the said Colony, and that, as such Registrar and Guardian of Slaves, he shall receive and be paid, at the time and in the manner hereinafter mentioned, such Salary as His Majesty shall be pleased to appoint, and that such Salary shall commence from and after the day of in the year ; and that on or before that day, if possible, or if not then, so soon after as conveniently may be the said Registrar and Guardian of Slaves shall appear before the Governor or Acting Governor for the time being of the said Colony, and in His presence shall take and subscribe an oath in the following words, that is to say : “ I, A. B., do swear that I will to the best of my knowledge and ability faithfully execute and perform the duties of the Office of Registrar and Guardian of Slaves at the Cape of Good Hope, without fear, favour or partiality.”

So help me God !

Provided, nevertheless, and it is hereby ordered, that nothing herein contained shall extend to prevent His Majesty from disuniting the Office of Guardian of Slaves from the Office of Registrar of Slaves, and from appointing a distinct and separate Officer to act as, and to be Guardian of Slaves, in case His Majesty should see fit so to do.

2. And it is hereby further ordered that the said Registrar and Guardian of Slaves shall establish and keep an Office in Cape Town in the said Colony, and shall regularly attend to such Office on such days, and during such hours of the day as the Governor or Acting Governor of the said Colony by any general or special orders, to be by Him from time to time issued, may appoint ; and shall at such Office and not elsewhere, keep, deposit and preserve the several Records, Books, Papers and Writings hereinafter directed to be kept by him.

3. And it is further ordered, that the said Registrar and Guardian of Slaves shall not be the Owner or Proprietor of any Slaves or Slave employed or worked upon any Estate, or in any kind of Agriculture, and shall not have any share or

interest in, or any mortgage or security upon any such Estate, Slaves, or Slave and shall and is hereby declared to be incompetent to act as, or be the Manager, Overseer, Agent or Attorney of, for or upon any such Estate within the said Colony or to act as the Guardian, Trustee or Executor of any Person or Persons having or being entitled to any such Estate or any Slaves or Slave ; And in case any such Registrar or Guardian of Slaves within the said Colony shall have, acquire, hold or possess, either in his own right, or in the right of his Wife, or in trust for any other Persons or Person, any Estate situate within the said Colony, or any Slaves or Slave employed or worked upon any Estate or in any kind of Agriculture, or any share or interest in, or any Mortgage or Security upon any such Estate or Slaves or Slave, or shall act as such Manager, Overseer, Agent, Attorney, Guardian, Trustee, or Executor, as aforesaid, he shall thenceforth, *de facto*, cease to be such Registrar and Guardian of Slaves, and forfeit such his Salary, and some other fit and proper Person shall forthwith be appointed to succeed to the said Office. Provided, nevertheless, that all Acts, which may be done by, or by the order of any such Registrar and Guardian of Slaves, after any such avoidance as aforesaid of such his Office, and before the same shall, by public notice in the *Gazette* of the said Colony, be declared void, shall be as valid and effectual in the Law, as if no such avoidance of Office had occurred.

4. And it is further ordered, that the said Registrar and Guardian of Slaves shall be resident within the said Colony, and shall not quit the same, without a special Licence, to be granted for that purpose by His Majesty, through One of His Principal Secretaries of State, or by the Governor or Acting Governor for the time being of the said Colony ; and no such Licence shall in any case be granted for any time exceeding Six months, nor shall any such Licence be granted by any such Governor or Acting Governor as aforesaid, unless it shall be made to appear to Him, on the Oath of some Medical Practitioner, that such absence is necessary for the recovery of the health of the said Registrar and Guardian of Slaves.

5. And it is further ordered that upon the death or resignation of the said Registrar and Guardian of Slaves, or in the event of his sickness, or other bodily or mental incapacity, or during

his temporary absence from the said Colony, it shall be lawful for the Governor or Acting Governor to nominate, and appoint some other fit and proper Person to act as the Deputy for the said Registrar and Guardian of Slaves, until His Majesty's pleasure shall be known ; And the said Deputy shall receive such allowance to be deducted from and out of the Salary of the said Registrar and Guardian of Slaves as the Governor, or Acting Governor for the time being of the said Colony shall be pleased to appoint. Provided always that no Person shall be appointed or be competent to act as such Deputy as aforesaid, who according to the provisions of this Order, would be incompetent to act as the Registrar and Guardian of Slaves.

Provided also that the Registrar and Guardian of Slaves in the said Colony shall at all times perform his duty in person, and not by Deputy, except only in cases in which the Governor or the Acting Governor of the said Colony is hereinbefore authorised to appoint a Deputy for that purpose.

6. And it is hereby further ordered that the Persons who now are or may be hereafter appointed to act as Registrars of Slaves in the several Districts within the said Colony shall be, so long as the two Offices of Registrar and Guardian of Slaves may be combined together, and they are hereby declared to be Assistant Registrars and Guardians of Slaves in their several and respective Districts, and the said Assistant Registrars and Guardians of Slaves shall and are hereby required in their several and respective Districts to be aiding and assisting the Registrar and Guardian of Slaves in the execution of the Powers hereby committed to him ; and for that purpose to obey and carry into execution such lawful instructions as they may from time to time receive from him, about or in relation to the matters herein mentioned, or any of them.

7. And it is hereby further ordered, that in all actions, suits and prosecutions, which may at any time hereafter be brought or commenced in any Tribunal or Court of Justice within the Colony, wherein any Slave may be charged with any offence, punishable by death or transportation, or wherein any Question may arise as to the right of any alledged Slave to freedom, or wherein any Person may be charged with the Murder of any Slave, or with any Offence against the Person of any Slave, or wherein any question may arise respecting the right of any

Slave to any such Property as he or she is hereinafter declared competent to acquire, then and in every such Case, such Notice shall be given to the Registrar and Guardian of Slaves of every such action, suit or prosecution, as according to the Law of the said Colony would be given to the said Slave, if he or she were of free condition. And the Registrar and Guardian of Slaves shall, and he is hereby required to attend the trial or hearing, and all other the proceedings in every such action, suit or prosecution as the Guardian of such Slave, and on his or her behalf, and to act therein in such manner as may be most conducive to the benefit and advantage of such Slave.

8. And whereas His Majesty is anxious to make the most effectual provision for the religious instruction and the exercise of religious Worship of the Slaves in the said Colony, it is hereby further ordered, that all Sunday Markets shall be abolished and prohibited and be absolutely unlawful, Provided always that nothing herein contained shall prevent any Individual from selling Vegetables, Meat or other Articles of provision on a Sunday, except during Divine Service. And it is further ordered that no Slaves shall be deprived by their Masters of the right of attending at Church or other place of religious Worship on Sundays, under a penalty of Twenty Shillings for every such Offence, unless justifiable cause can be shewn for such prevention.

9. And it is hereby ordered, that Sunday being commanded in all Christian States to be a day of rest, it shall be illegal to procure, induce, or compel any Slave to perform or engage in any labour for the profit of his or her Owner, Manager or Employer, on the Sabbath day, or for any Slave to hire himself or herself to work either to his or her Owner or Manager or to any other Person on the Sabbath day; and any Person so offending shall incur and become liable to a fine, not exceeding Five Pounds Sterling, nor less than One Pound Sterling. Provided nevertheless that nothing herein contained shall extend or be construed to extend to any work or labour, which any Slave may perform on Sunday in the necessary attendance upon the person, or in the family of his or her Owner or Employer, or in the necessary and unavoidable preservation of the Cattle or live Stock upon any Country Place. Provided nevertheless and it is hereby declared that in case it shall be

absolutely necessary for carrying on the indispensable Labours of the Field or the Vineyard on pressing occasions or for the preservation of the Crops or produce upon any plantation or Estate in the said Colony and for the prevention of essential injury to the same, to work and employ thereupon any Slaves or Slave on the Sabbath day, and if any such Slaves or Slave shall, in any such special case, voluntarily consent and agree to work upon any such Plantation or Estate for the purpose aforesaid, nothing in this order contained doth extend or shall be construed to extend to prevent any such Slaves or Slave from hiring themselves, himself or herself (either to his or her Owner or to any other Person) to work upon any such Plantation or Estate on the Sabbath day. Provided always that no such Slave shall or may lawfully be so hired to work on the Sabbath day in the Service of any Person or Persons except their, his or her Owner or Manager, unless with the special consent in writing of such Owner or Manager. Provided also that the Registrar and Guardian of Slaves shall, by Notices to be by him from time to time issued in the usual and most public manner, signify the lowest rate of Wages at which Slaves may during the period of Six Calendar Months next ensuing the date of every such notice hire themselves either to their respective Owners or with the consent of their respective Owners or Managers, to work for the special purpose of the preservation of the Crops or produce upon any Plantation or Estate in the said Colony, in which Notices shall be stated the different Rates of such Wages payable to the Slaves so hiring themselves according to age, and Sex of such Slaves, and according as they may be field Negroes or Artificers. And no hiring of any Slave for any such special purpose as aforesaid shall be a legal hiring or shall be exempted from the penalties of this Order in Council, unless such Slave shall actually receive and be paid for his or her own use and benefit Wages at not less than the Rate so to be fixed by any such Public Notice as aforesaid. And it is further ordered and declared that nothing in this Order in Council contained shall extend or be construed to extend to prevent the employment on Sunday of any Slave or Slaves as a Watchman or Watchmen upon any Estate or Plantation, or in nursing or attendance on the sick, or in attendance upon the Person, or in the family of his or

her Owner or Manager, or in performing or making preparations for any interment or in extinguishing any fire, or otherwise in preventing any irreparable damage or injury to the property of his or her Owner, Employer or Manager, and no Slave so employed shall be entitled to any hire or Wages for such his or her services, provided nevertheless that no Slave shall be employed on the Sabbath day in Field labour or in any of the Ordinary Works upon any Plantation or Estate, upon the pretence, or by reason, that any irreparable injury would arise from the postponement of such Labour, unless such Slave shall voluntarily engage in the same, and shall for such his labour receive and be paid such hire and Wages as aforesaid.

10. And it is hereby further ordered that every Slave shall be supplied with sufficient and wholesome food, and with good and sufficient clothing, and in case of dissatisfaction relating thereto, appeal may be made, by either party, to the Local Authority; and in case deficiency or bad quality of food or clothing be proved, then and in every such case the Owner or Manager shall incur and be liable to a penalty of fifty Shillings for the first offence, and of Five Pounds Sterling for a second offence, and in case on the contrary the Complaint be proved to be unfounded and frivolous, the complainant shall be condemned to such legal punishment as the nature of the case shall be found to require.

11. And it is hereby further ordered and declared, that Slaves employed in Garden or field labour shall not be compelled to work more than Ten Hours in each twenty-four Hours from the 1st April to the 30th September, nor more than Twelve Hours from the 1st of October to the 31st March inclusive, except during the ploughing or harvest Seasons, or on other extraordinary occasions of unavoidable necessity, provided always, that during the ploughing and harvest Seasons, or in cases of unavoidable necessity, a fair remuneration be made to the Slave or Slaves in money or by an additional proportion of food, to be decided, in case of appeal, by the Local Magistrate, and in case any Owner or Manager shall be proved to have transgressed any of the provisions of this clause, every such Owner or Manager shall be liable to, and incur a penalty not exceeding Five Pounds Sterling, nor less than One Pound Sterling.

12. And it is further ordered that it is, and shall henceforth be illegal for any Proprietor or any Person employed by him, or in his behalf, to inflict any punishment on a Male Slave beyond twenty-five Stripes in one day, which punishment is not in any case to be repeated until the Delinquent shall have recovered from the effects of the former Correction, under a penalty, in breach of any of the provisions of this clause, not exceeding Ten Pounds Sterling, nor less than Five Pounds Sterling for each Offence.

13. And it is further ordered that from and after the publication of this Act, no female Slave shall be liable to be publicly flogged for any offence ; but all female Slaves offending against any of the existing Laws of the Colony, where their Proprietors or Persons employed by them, or in their behalf are authorized to interfere and decide, may be punished, if in health by solitary confinement with or without Work, in any dry and proper place, for moderate periods, proportionate to their offence, and in no case exceeding three days ; or in committing any domestic offence by whipping privately on the Shoulders to such moderate extent as any child of free condition may be, and usually is punished and corrected in any School for the education of Youth in the said Colony ; provided always that the latter punishment be not repeated within Twenty four hours, under a penalty, in breach of any of the provisions of this Clause, not exceeding Ten Pounds Sterling, nor less than Five Pounds Sterling for each offence.

14. And it is further ordered that it shall be illegal to inflict domestic punishment on a Slave by any other hand than that of the Owner, Employer or Overseer (not being a Slave) except in cases where the Owners or Employers having no free person in their employ, are Females or infirm or suffering under disease, or are upwards of Sixty Years of age, under a penalty not exceeding Ten Pounds Sterling nor less than Five Pounds Sterling to be paid for such Offence by the Person who shall have caused such illegal punishment to be inflicted.

15. And it is further ordered that should it be necessary for the Security or safety of a family or individual, to put a Slave in irons, the same shall be reported within twenty four hours to the nearest Local Authority, under a Penalty of Five Pounds Sterling, stating the cause and circumstances under

which such measure could be justified, and in default of such justification, the Owner or Person or Persons employed by him or in his behalf shall be deemed guilty of maltreatment and subject to such punishment as is prescribed by Clause 44 of this Order in Council.

16. And it is hereby further ordered that the Corpse of a Slave shall not be interred without a written permission thereto being first obtained from the Local Authority, under whose immediate jurisdiction the Owner or Employer for the time being resides ; and any Owner, Manager or Employer of a Slave or Slaves interring or causing or suffering a Corpse of any Slave in his Service to be interred without such permission as aforesaid shall be liable to, and incur a penalty of not less than Five Pounds Sterling and not exceeding Ten Pounds Sterling, or in cases where it is not possible to procure the assistance of the local Authority within twenty-four hours, it shall and may be lawful for such Owner, Manager or Employer of a Slave to call in two Neighbours, who must certify in writing (to be sworn to when required) the apparent age and sex of the Slave, the state of the Body and the probable cause of his or her death ; the Owner or Manager of such Slave shall however be obliged to forward the Certificate so obtained by him to the Local Authority without delay. But if it shall appear by marks on the Corpse or from any other circumstances that the Deceased has come to his or her death by unfair means, the said Certificate shall be withheld, and a report thereof be immediately made to the nearest Local Authority.

17. And it is hereby ordered that upon the prosecution of any person being the Owner or acting in the name or in behalf of the Owner of Slave or Slaves, for inflicting or causing or procuring to be inflicted on any Slave or Slaves any punishment hereby declared illegal, if the Slave so alledged to be illegally punished shall be produced in any competent Court of Justice in the said Colony, and if the marks or traces of recent flogging or laceration shall appear on the person of such Slave, and if such Slave shall in open Court declare such traces to be the consequences of any such unlawful punishment or correction, and being duly examined by such Court, shall make a particular, consistent and probable Statement of all the circumstances

attendant on such unlawful punishment, then and in every such case, the Owner or other Person, having the charge of such Slave shall be bound to prove either that the punishment of which the Marks may be so apparent was not inflicted by him or his procurement, or with his knowledge or consent, or that such punishment was a lawful punishment within the meaning of this Order ; and in default of such proof, such Owner or other Person as aforesaid shall be convicted and adjudged to be guilty of the Offence imputed to him ; And it is further ordered that every such prosecution as aforesaid shall be conducted by the Registrar and Guardian of Slaves, and that it shall not be lawful for him to discontinue any such prosecution except by Virtue of an Order in writing to be for that purpose issued, under His hand and Seal, by the Governor or Acting Governor for the time being of the Colony. But should the complaint of such Slave prove groundless, the Slave shall be condemned to such legal punishment as the nature of the case may require.

18. And it is further ordered and declared that Slaves who are not within the prohibited degrees of consanguinity or affinity may intermarry with their Owners' (or respective Owners') consent, had in writing and delivered to the Local Authority ; and that the Children of such Marriages shall be the property of the Owner of the Mother ; the same to hold good with regard to Slaves of either Sex intermarried with free Persons, in which case also, when the Wife is a Slave, the Children of such marriage shall belong to the Owner.

19. And it is further ordered that the consent in writing of the Owner or Manager, or the respective Owners, Proprietors, or Managers (as the case may be) transmitted to the Clergyman through the Local Authority, shall supersede the necessity of being asked in the Church, or of appearing before the Matrimonial Court, to legalize the Marriages of Slaves ; and the respective Local Authorities shall be responsible that all Marriages between Slaves are without delay enregistered, as all other Marriages are, and that a Notification of the marriage be made to the Registrar and Guardian of Slaves or to his Assistants in the Country districts, as the case may be.

20. And it is hereby further ordered and declared, that Slave Marriages shall be celebrated in the Church on Sundays

where the Locality will permit, and that, in other cases, the Clergymen shall once in Six Months appoint the most convenient places in their respective Districts, for the purpose of marrying Slaves, and baptizing Slave children, so as to remove the inconvenience arising from remote habitations, which Marriages it shall be lawful for the Clergymen to solemnize, upon receiving the written consent of the Owner or Manager through the Local Authority, as above directed ; or, in case such written consent has been refused by the Owner, Proprietor or Manager, upon a Licence of the Registrar and Guardian of Slaves or his Assistants in the respective Country districts, as the case may be, as directed in the clause next following. And all Marriages of Slaves and the Baptism of their Children shall be performed without fee or reward.

21. And it is hereby further ordered that in case the Owner or Manager of both or either of the said Slaves who may be desirous to intermarry shall refuse to consent to such marriage, or to give such written permission for the celebration thereof as aforesaid, then and in every such case, if the Slave to be married has attained when a female the age of fifteen years, and when a male the age of Twenty years, the said Registrar and Guardian of Slaves or his Assistants in the respective Country districts, as the case may be, shall thereupon issue a Summons under his hand and Seal, requiring the Owner or Manager of such Slaves, or the Persons or Person under whose direction such Slaves may be, to appear before him, by themselves or their Agents at some convenient time or place, to be for that purpose appointed. And if such Owner, Manager, or other Person as aforesaid being duly cited, shall fail to appear, or appearing shall fail to give good and sufficient proof, that such proposed Marriage would be injurious to the well being of such Slaves, then and in such case, the said Registrar and Guardian of Slaves, or his Assistants in the respective Country districts, as the case may be, shall without fee or reward issue a Licence, under his hand and Seal, thereby authorising any Clergyman, Minister or Public Teacher of Religion within the said Colony, having a Licence from Government to that effect, to solemnize the Marriage of the said Slaves, and any Marriage so solemnized shall to all intents and purposes be binding, valid and effectual in the Law. And any Clergyman, Minister

or Public Teacher of Religion within the said Colony having a Licence from Government to that effect, by whom any such Marriage shall have been solemnized, shall within fourteen days next after the solemnization, transmit a Certificate thereof to the Local Authority in order to be registered in the Records of the respective Matrimonial Courts, as all other Marriages are, and that a notification of the Marriage be made to the Registrar and Guardian of Slaves or to his Assistants in the respective Country Districts as the case may be, where Separate Books must be kept for the Registry of all Slave Marriages.

22. And it is further ordered that after the celebration of Marriages it shall not be lawful to sell any Slave having a Husband or Wife, who may be the property of the same Persons or Person, unless such Husband and Wife shall be sold together, and in one and the same lot, and to the same Person or Persons ; and if any Slave or Slaves shall be sold separate or apart from any such Husband or Wife as aforesaid, then and in every such case, such Sale shall be, and the same is hereby declared to be, absolutely null in the Law, to all intents and purposes whatsoever.

23. And it is further ordered that it shall not be lawful to sell any Child or Children born of a Slave Woman, within the said Colony, without its or their Mother, unless such Child or Children shall have fully attained the age of Ten years, or unless good and sufficient proof shall have been given to the Court of Justice through the Registrar and Guardian of Slaves, that it would be for the well being of such Child or Children not to be sold along with its or their Mother.

24. And it is further ordered that any Owner or Proprietor neglecting to cause the Children of their Christian Slaves to be baptized within Twelve Months after the Birth of such Children, and to report it, within one Month after baptism to the Registrar and Guardian of Slaves, or to his Assistants in the respective Country districts, as the case may be, shall incur and be liable to a penalty of not less than fifty Shillings and not exceeding Ten Pounds Sterling for each offence, and shall nevertheless be compelled to have such Child or Children baptized at his own expence.

25. And it is hereby further ordered that the Clergymen or

Persons duly authorized to administer that Holy Sacrament shall report quarterly to the Registrar and Guardian of Slaves, or to his Assistants in the respective Country districts, as the case may be, all Baptisms of Slaves solemnized by them.

26. And it is hereby further ordered and declared that Slave Owners, who have caused their Slave Children to be baptized in the Christian Religion, or who shall possess any Slave or Slaves, who have embraced the Christian Religion, and have been baptized by a Clergyman or Person duly authorized by Licence from Government to administer that Holy Sacrament, shall as far as relates to such Slave or Slaves or Slave Children be exempt from any Tax which has been or shall be specifically imposed on Slaves in the said Colony, for which purpose the Owners or Proprietors shall report to the Office of Enregisterment of Slaves, in their respective districts, the date and proof of Baptism of each of their Slaves who have been baptized.

27. And it is further ordered that Christian Slave Owners or Employers residing in Cape Town and other Towns and Villages and their immediate vicinity in the said Colony where Free Schools are or may be established, shall send their Slave Children above Three years and under Ten years of age, at least three days in each Week to any such Free Schools; and those whose residence will not permit them to afford this consoling advantage to their Slave Children are earnestly recommended and invited to avail themselves of any other means, which may offer within their reach for giving them instruction.

28. And it is hereby further ordered that separate Books shall be kept in the Offices of the Registrar and Guardian of Slaves, and of his Assistants in the respective Country Districts, of all baptized Slaves specifying their Ages, Sex, date of Baptism and by whom baptized.

29. And it is hereby further ordered and declared, that no Person in the Colony of the Cape of Good Hope, being in a state of Slavery shall be, or be deemed or taken to be by reason or on account of such his condition, incompetent to purchase, acquire, possess, hold, enjoy, alienate or dispose of property, but every such Slave shall, and is hereby declared to be competent to purchase, acquire, possess, hold, enjoy,

alienate and dispose of Lands situate in the said Colony, or Money, Cattle, implements or utensils of husbandry or household furniture or other effects of such or the like nature, of what value or amount soever, and to bring, maintain, prosecute, and defend any Suit or Action in any Court of Justice for or in respect of any such property, as fully and amply, to all intents and purposes, as if he or she were of free condition.

30. And whereas a Saving Bank is already established in the said Colony, and it is expedient, that provision should be made for giving the fullest effect to the same, it is hereby ordered, that Interest at and after the rate of four per Centum per annum shall be allowed upon the amount of every Sum of Money (not less than Twenty five Shillings) which may be deposited in any Saving Bank, which Interest shall be a charge upon the general Revenues of the said Colony. And any Slave making any deposit of money in any such Saving Bank, shall be at liberty to make a declaration of the manner in which, and the names of the Person or Persons to whom, in the event of his or her death, the amount of his or her contributions to the said Saving Bank shall be paid, applied and disposed of ; and such declaration shall be recorded in a Book, to be kept for that purpose at the Saving Bank where such deposit may be made ; and upon the death of the Slave making such declaration the same shall in the absence of any other last Will, be deemed and taken to be the last Will and Testament of such Slave, under the direction of the Orphan Chamber, in as far as regards the collection, preservation and distribution thereof, the same to be free from all manner of charge, fee or duty. And in case any such Slave shall marry after having made any such declaration, such marriage shall be and be deemed and taken to be a revocation, in the Law, of such declaration. And it is further ordered that in case any Slaves or Slave in the said Colony shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his death, then and in every such case, the property of such Slave shall go and be disposed of by the Orphan Chamber to and in favor of such Persons or Person, as by virtue of the Laws of the said Colony then in force, may be entitled to any such Property. And it is further ordered, that in case any Slaves or Slave die intestate, and

without having made such declaration as aforesaid, and have no relations entitled to their succession, then and in every such case, the property shall be paid by the Orphan Chamber into a fund, formed in the said Colony, for the purchase of such female Slave Children as shall appear to the Committee appointed by Proclamation of the 18th March 1823 to manage that Fund, to be most deserving of such consideration ; and the value of the female Slave or Slaves, whose freedom may be thus purchased, shall be fixed according to their actual Value by Two Arbitrators, after being duly sworn to act impartially, one to be chosen by the Owner of the Slave, and the other by the Registrar and Guardian of Slaves, with power to the Court of Justice to name an Umpire in case of difference, who shall be duly sworn for that purpose and whose award shall be final.

31. And it is further ordered that the Saving Banks throughout the said Colony shall as far as the deposits of Slaves are concerned, and for which distinct Books shall be kept, be under and subject to the controul and inspection of the Registrar and Guardian of Slaves, or his Assistants in the respective Country districts, as the case may be, and that the Governor or Acting Governor for the time being shall be and He is hereby authorized to appoint such proper and necessary Officers, and to make such Rules and Regulations as may be best adapted for managing the business of the said Banks, and for ensuring order and punctuality therein, and for preventing any misapplication of the Monies therein to be deposited ; provided that such Rules and Regulations be not repugnant to this present Order, and that the same be forthwith transmitted for His Majesty's approbation, through one of His Majesty's Principal Secretaries of State.

32. And it is hereby further ordered that no deposit of Money shall at any one time, or within any one week be received at any of the said Saving Banks from any Slave exceeding the Sum of Fifty Shillings in the whole, unless such Slave at the time of tendering any such deposit, shall produce the consent in writing of his Owner or Manager to such Deposit being made ; and in case any Slave shall be desirous at any one time, or in any one week, to make any such Deposit of Money exceeding the sum of Fifty Shillings, and the Owner or Manager

of such Slave shall refuse his consent to such deposit being made, then and in every such case the Registrar and Guardian of Slaves or his Assistants in the respective Country districts as the case may be, shall upon application made to him for that purpose issue a Summons under his hand and Seal, requiring the Owner or Manager of such Slave, or the Persons, under whose direction such Slave may be, to appear before him by themselves or their Agents, at some convenient time and place, to be for that purpose appointed; and if such Owner or Manager, or other Person as aforesaid, being duly cited, shall fail to appear before the said Registrar and Guardian of Slaves, or his Assistants in the respective Country districts, as the case may be, or appearing, shall fail to lay before him good and sufficient cause why such Deposit ought not to be made, then and in every such case the said Registrar and Guardian of Slaves, or his Assistants in the respective Country Districts as the case may be, shall issue an Order, under his hand and Seal, requiring the Manager of the Saving Bank to receive the amount of such Deposit, and the same shall be received by him accordingly.

33. And it is further ordered that no duty, tax or impost of any nature or kind whatsoever, and that no fee of Office shall be hereafter paid or payable within the said Colony, upon, for or on account, or in respect of the manumission of any Slave or the enrolment or registration of any Deed of manumission. And if any Person within the said Colony shall hereafter take, demand or receive any such tax, duty, impost or fee of Office, the Person so offending shall incur and become liable to the payment of a fine not exceeding Twenty Pounds Sterling and not less than Five Pounds Sterling.

34. And it is hereby further ordered, that in case any Slave within the said Colony shall be desirous to purchase the freedom of himself or of his or her Wife or husband, or Child or brother or Sister, it shall and may be lawful to and for any such Slave so to purchase the freedom of himself or of any such other person as aforesaid, provided always that every such Slave, who shall be desirous so to purchase the freedom of himself or any such Person as aforesaid, shall be able to prove and shall actually have proved to the satisfaction of the Registrar and Guardian of Slaves, or of his Assistants in the respective

Country districts that the Money or other property by which he has been enabled to make such purchase, has been acquired by him by lawful means, and if under such proviso, the Owner of any such Slave shall be unwilling to effect his or her manumission, or shall, by reason of any Mortgage or other charge upon or interest in, such Slave being vested in any other Person or Persons, be unable to execute a valid and effectual manumission of such Slave, or if the Owner or any other Person having an interest in any such Slave, shall be a minor or a married woman, or Idiot or Lunatic, or if the real and true Owner of any such Slave shall be absent from the said Colony, or shall not be known ; or if any Suit or Action shall be pending in any Court of Justice in the said Colony, wherein the Title of the said Slave or the right to his Services shall or may be in controversy, or if the Owner of any such Slave shall demand as the price of his or her freedom, a greater sum of Money than may be the fair and just value thereof, then and in each and every of the cases aforesaid the Court of Justice of the said Colony, on application made to it for that purpose by the Registrar and Guardian of Slaves, shall issue a Summons under their hands and the Seal of the Court, requiring the Owner or Manager of such Slave, or the Persons or Person, under whose direction such Slave may be, to appear before it by themselves or their Agents at some convenient time and place, to be for that purpose appointed ; and Notice shall also be published by the said Registrar and Guardian of Slaves in the public *Gazette* of the said Colony on three several days of the time and place appointed for the purpose aforesaid ; And in such Notice all Persons having or claiming to have any Title or interest in or to the Slave proposed to be manumitted, either in their own right, or as the Guardians, Attornies, Trustees or Executors of any other Person, shall be required to attend and prefer such claim.

35. And it is hereby further ordered that at the time appointed for any such meeting as aforesaid the Court of Justice of the said Colony in the presence of the Registrar and Guardian of Slaves, and also in the presence of the Owner or his Representative, or Manager of the Slaves or Slave proposed to be manumitted, or (upon proof being made to it on Oath of the due Service and publication of such Notice as aforesaid) then.

if necessary, in the absence of such Owner or Manager shall proceed to hear in a Summary way what may be alledged by the said Registrar and Guardian of Slaves and by the Owner or Manager or other Persons claiming any interest in the Slave proposed to be manumitted ; and in case the Parties, or any of them, shall refuse to effect any such manumission or if it shall appear to the said Court, that a valid and effectual manumission of any such Slave cannot legally be effected by private Contract, or if it shall be made to appear to the said Court that the owner of any such Slave, or that any Person having any charge upon or interest in him or her, is a minor or married woman, or Idiot or Lunatic, or that the real and true Owner of any such Slave or that any Person having any charge upon or interest in him or her, is absent from the said Colony, or is unknown or cannot be found, or that any Suit or Action is pending in any Court of Justice in the said Colony wherein the Title to the said Slave or the right to his Services is in controversy, or if it shall appear to the said Court that any difference of opinion exists between the Registrar and Guardian of Slaves in the said Colony, and the Owner of any such Slave, respecting his or her price or value, then and in every such case the said Court shall require the Registrar and Guardian of Slaves and the Owner, Manager or Person having the direction of any such Slave each to nominate an Appraiser of his or her value ; And the said Appraisers being first duly sworn before the said Court to make a fair and impartial appraisement, shall within seven days next after such their appointment make a joint Valuation of the Slave proposed to be manumitted, and certify such their valuation to the said Court, under their hands and Seals. And in case such joint Certificate shall not be delivered to the said Court within the said Term of Seven days, then the said Court shall itself nominate an Umpire between such Appraisers, and the said Umpire, being duly sworn shall within the next Seven days certify his valuation, under his hand and Seal to the said Court, and the valuation to be made in manner aforesaid, either by the said joint Appraisers, or in their default, by the said Umpire, shall be binding and conclusive and shall be entered and enrolled in the Office of Slave Registry of the said Colony.

36. And it is hereby further ordered that upon payment to the Receiver General or Treasurer of the said Colony of the appraised value of any such Slave as aforesaid, after deducting therefrom the Expence of the Appraisement to be allowed by the said Court, the said Receiver General or Treasurer shall grant to the Registrar and Guardian of Slaves a receipt for the Money so to be received by him. And such receipt shall be duly enrolled in the Office of Slave Registry in the said Colony, together with a declaration under the hand and Seal of the said Court, that the Proceedings required by Law for the manumission of the Slave, by or on behalf of whom such Money was paid had been duly had before it, and thereupon such Slave shall be and be deemed, taken and reputed to be, free to all intents and purposes whatsoever.

37. And it is hereby ordered that in all cases where such appraisement shall be made by reason of the refusal of the Owner or Owners of any such Slave to effect his or her manumission, or by reason of any difference of opinion between the Registrar and Guardian of Slaves and the Owner or Proprietor of any such Slave respecting his or her price or value, the Expences of such appraisement shall be equally borne by and divided between such Owner or Proprietor and the Slave proposed to be manumitted. And in all cases where such appraisement shall be made by reason of the inability of the Owner or Proprietor to effect a valid manumission by private contract or by reason of the minority, coverture, idiocy or lunacy of such Owner or Proprietor, or by reason of the absence of any such Owner or Proprietor, or other Person, having a charge upon the said Slave, from the said Colony or by reason that any such Owner or Proprietor is unknown or cannot be found, or by reason of the pendency in any Court of Justice in the said Colony of any suit or action wherein the Title to the said Slave or the right to his Services is in controversy, then and in all such cases the expences of the said Appraisement shall be equally divided between the Slave proposed to be manumitted and the Owner or Proprietor, or other Persons having any charge upon or interest in him, and such last mentioned moiety of the said Expences shall be deducted from the money arising from the manumission of the Slave, before the investment thereof in the manner directed in and by this Order in Council.

38. And it is further ordered that the Money to arise from the manumission of any Slave by virtue of the Proceedings before mentioned, shall and may be laid out and invested under the authority of the Court of Justice, on the application of any Person or Persons interested therein, in the purchase of any other Slave or Slaves, or if no such application shall be made, then such Money shall remain in the hands of the Receiver General or Treasurer of the said Colony, and shall be the property of the Persons who were the Proprietors of such manumitted Slave or Slaves, and shall be held upon, under and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims and demands of what nature or kind soever, as such Slave or Slaves was or were held upon, under or subject unto, at such the time of his, her or their manumission; and the said Receiver General or Treasurer shall hold the said Money subject to such Orders as the said Court of Justice may upon a summary application of any person interested therein, see fit to make; and such Money shall by the said Receiver General or Treasurer be paid, applied and disposed of in pursuance of and obedience to any such Order.

39. And it is hereby further ordered that before the manumission of any Slave by virtue of any private Contract for that purpose between such Slave and his Owner, notice of such intended manumission shall by the Owner of such Slave be given in writing to the Registrar and Guardian of Slaves, who on behalf of the said Slaves shall be bound to ascertain that such Owner has good right and title in the Law and is competent to effect such manumission. And the said Registrar and Guardian of Slaves shall also without fee or reward prepare the proper Deed of manumission, and the same shall in all cases be executed in the presence of the said Registrar and Guardian of Slaves or of some proper Witness to be by him appointed for that purpose; and being so executed, shall by such Registrar and Guardian of Slaves be enrolled in the Office of Slave Registry in the said Colony within one Calendar Month next after the date and execution thereof. And in case any such Deed shall not be registered at the said Office of Registry within the said period of One Calendar Month, the said Registrar and Guardian of Slaves shall incur and be liable to the payment

of a Fine not exceeding Fifty Pounds Sterling nor less than Ten Pounds Sterling.

40. And whereas by the usages in the Courts of Judicature in the said Colony of the Cape of Good Hope, Persons in a state of Slavery have hitherto been reputed competent in Law to be admitted as Witnesses in Criminal Cases as well as in Civil proceedings, and whereas it is expedient that the said custom should be recognized and established by Law ; it is therefore ordered and directed that no Person shall henceforth be rejected as a Witness or considered as incompetent to give evidence in any Court of Civil or Criminal Justice in the said Colony by reason of his or her being in a State of Slavery, if such Witness be sufficiently instructed in the principles of Religion to understand the nature and obligation of an Oath. Provided nevertheless that no Person being in a state of Slavery shall be admitted to give evidence in any Civil Suit or action, in which his or her Owner is directly concerned, and provided also that nothing herein contained shall extend to take away or diminish any power and authority which any Court of Criminal Jurisdiction in the said Colony now hath to admit, in any case, the evidence of Persons being in a state of Slavery ; provided also that nothing herein contained shall extend or be construed to extend to render any Slave a competent Witness in any case in which such Slave would be incompetent to give evidence, if he or she were of free condition.

41. And it is hereby further ordered that the Salary of the Registrar and Guardian of Slaves shall by him be taken and received in lieu and in full satisfaction of all fees, perquisites of office, advantages and emoluments whatsoever ; and that if he the said Registrar and Guardian of Slaves shall take or receive directly or indirectly any fee, perquisite of Office, advantage or emolument other than his said Salary for or in respect to any act, matter or thing done or performed by him in the execution of such his Office, he shall incur and become liable to the payment of a fine equal to twice the amount of what he may so receive, and shall moreover become disqualified from holding such his office.

42. And it is hereby further ordered that the said Registrar and Guardian of Slaves shall on the first Monday next after the 25th day of December and on the first Monday next after

the 24th day of June in each year, deliver to the Governor or acting Governor for the time being of the said Colony, a Report in writing, exhibiting an Account of the manner in which the duties of such his Office have been performed during the half year next preceding the date of such his Report, and especially stating the number of the actions, Suits and prosecutions in which he may have acted as the Guardian of any Slave or Slaves, with the dates and effect of all the proceedings therein, and the particulars of all the returns, which, by virtue of this order, may have been made to him by the Assistant Registrars and Guardians of Slaves within the said Colony, and the names of the Persons, if any, against whom any criminal prosecution may have been instituted, under and by virtue of this order, together with the number of Licences which may by him have been granted for the marriage of any Slaves, with the number of marriages appearing to have been solemnized in pursuance thereof, together with the Amount of the Sums of Money deposited in the Saving Banks in the said Colony, and also a Statement of the names of all the Slaves manumitted under the authority of this present order; and the Governor or Acting Governor for the time being of the said Colony shall thereupon administer to the said Registrar and Guardian of Slaves an Oath that such Report contains a true and accurate Statement of the several matters and things therein referred to; and when and so soon as the said Registrar and Guardian of Slaves shall have made such his half yearly Report, and shall in manner aforesaid have been sworn to the truth thereof, then and not before, the said Governor or Acting Governor shall issue to the said Registrar and Guardian of Slaves a Warrant for the amount of his Salary for the half year next preceding the date of such Report; and the said Governor or Acting Governor shall, and He is hereby required by the first convenient opportunity to transmit such Report as aforesaid to His Majesty's Principal Secretary of State, having the Department of the Colonies.

43. And it is further ordered that if the Registrar and Guardian of Slaves or any of his Assistants in the several districts of the said Colony, or any other person shall wilfully and fraudulently make or cause or procure to be made any erasure or interlineation in any of the Books, Records or

Returns, or shall wilfully make or cause or procure to be made any false entry in any such Book, Record or Return, or shall wilfully and fraudulently burn, cancel or obliterate the same or any of them, or any part thereof, the Person or Persons so offending shall be liable to the payment of a Fine not exceeding One hundred Pounds Sterling and not less than Fifty Pounds Sterling and shall be disqualified from holding any such office.

44. And it is further ordered that maltreatment of a Slave by the Proprietor, not attended with death shall be punished by fine, imprisonment, banishment or other Sentence of the Law by any of the competent Courts in the said Colony, according to the nature of the case, and the degree of cruelty exercised ; and the Slave so maltreated shall be publicly sold for the account of the Owner, but under special condition of never coming again into his Power, or into that of his Parents, Children, Brothers or Sisters ; and in case any Person shall be convicted of any cruel and unlawful punishment to any Slave, the said Courts shall and are hereby authorized, at their discretion to declare the right and interest of the Person so convicted in and to any such Slave to be absolutely forfeited to His Majesty :—But when the maltreatment of a Slave has been attended with death, the Court, in giving judgment, shall be guided by the Law applicable to Homicide.

45. And it is further ordered that if any Person shall be twice convicted before any Tribunal in the said Colony of inflicting upon any Slave or Slaves any cruel and unlawful punishment, the Person so convicted shall in addition to the penalties herein before mentioned, be declared by the Court before which such second conviction may take place, absolutely incapable in the Law to be the Owner, or to act as the Manager, Overseer or Superintendent of any Slaves or Slave within the said Colony ; and all and every the Slaves or Slave, of which, at the time of such second conviction, any such Person may be the Owner, shall be publicly sold for his account, under special condition of never coming into the power or under the control of his Parents, Children, Brothers or Sisters.

46. And it is further ordered that maltreatment of a Slave by the Overseer or Representative of the Owner or Proprietor, or by any other Individual, not being the Owner or Proprietor of such Slave, shall be punished as if the same had been inflicted

on a free Person, placed under the superintendence or direction of such Overseer, Representative or other Individual.

47. And it is further ordered that all penalties incurred under the provisions of this Order shall be disposed of as follows : viz. One third to the Informer, and two thirds to the fund specified in Clause 30 of this Order in Council for purchasing the freedom of female Slave Children.

48. And whereas by the provisions of this Order for the improvement of the condition of the Slaves in the said Colony, it is not intended to infringe on the lawful rights of their owners to the property in their Slaves, or other Person or Persons interested in their value, it is hereby declared that none of the said provisions shall be deemed to affect in any degree the lawful right of property of the Owners in their Slaves, or any just claims to their Services.

49. And it is hereby further ordered and declared, that whenever any Slave or Slaves, or any right or interest in any Slave or Slaves shall upon the conviction of any person or persons in the manner in this Order in Council mentioned, become forfeited to His Majesty, His Heirs and Successors, such forfeiture shall not be carried into effect by the actual seizure or sale of the property so forfeited, until the particulars and circumstances of the case shall have been reported to His Majesty through one of His Principal Secretaries of State, and until His Majesty shall have signified His Royal Pleasure therein ; provided that pending any such reference to His Majesty such forfeited property shall be and remain legally vested in Him, subject to be divested in case His Majesty shall be graciously pleased to remit any such forfeiture.

50. And it is further ordered and declared that no such forfeiture as aforesaid to His Majesty of any Slave or Slaves, or of any right or interest in any Slave or Slaves shall, or according to the true interest and meaning of this Order in Council doth in any way diminish, affect or take away the right or interest of any person or persons to or in any such Slave or Slaves other than and except the person or persons upon the conviction of whom any such forfeiture may be incurred.

51. And it is further ordered that the Governor or Acting Governor of the said Colony shall within One month next after

this present Order shall be received by Him, make known the same by Proclamation throughout the said Colony, and that the said Order shall be in force in one Calendar month next after the date of such Proclamation.

[Enclosure 3 in the above.]

Reasons for altering or passing over altogether in the Order in Council for the amelioration and religious Instruction of the Slaves at the Cape of Good Hope, some of the Articles in His Majesty's Order in Council for Trinidad and the subsequent Enactments made for that Island.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 24th September 1825.

MY LORD,—With reference to my Despatch to Your Lordship No. 160, under date 31st March last, relative to a Supply of Labourers for the British Settlers in Albany, I have now the honor to forward a Memorial which has been addressed to me by the Body of Settlers on that Subject, together with a List of the number and description of the Labourers required by them respectively.

Your Lordship will perceive that they have deputed Mr. Carlisle to carry into effect their views and wishes in England, should His Majesty's Government Sanction the proposed measure.

Mr. Carlisle will have the honor to deliver this Letter to Your Lordship, and to him I beg leave to refer you for any information or explanation that may be required. I have not given that Gentleman any assurance that his Expenses will be defrayed by Government as requested by the Memorialists, leaving that point to the decision of His Majesty's Government.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[For Enclosure 1 see page 43 Vol. 18]

[Enclosure 2 in the above.]

The Subscribing Inhabitants of the District of Albany, suffering under difficulties arising from the expence and great scarcity of Labour, and trusting the disposition of Government (when acquainted with the extent of this evil) to afford assistance, have adopted this mode of furnishing the information required, and hereby engage to provide for the number and description of Mechanics and Labourers beneath stated (for a period which may be hereafter agreed upon) according to the following terms, viz. : To Mechanics 250 Rds. yearly wages, with provisions at the rate of 2 lbs. of Meat and $1\frac{1}{2}$ lb. of Bread per diem. Labourers being adults 150 Rds. per annum with Provisions as above. To Boys between 16 and 18 years of age 100 Rds. per annum and provisions as above. To Female Servants 80 Rds. per annum and provisions at the rate of $1\frac{1}{2}$ lb. of Meat and 1 lb. of Bread per diem. To Boys and Girls under 15 a sufficient quantity of Clothes and wholesome Food till 18.

Names of Employers.	Number of Mechanics with the several trades wanted.	Number of Laborers.	Number of Female Servants.	Number of Boys from 16 to 18.	Number of Girls under 15.	Number of Boys under 15.
D. Campbell .	2 Masons, 1 Carpenter .	2	—	—	2	4
Thos. Phillips .	—	4	1	2	2	2
Chas. Dalgairns .	—	3	1	2	2	2
Geo. Pigot .	1 Carpenter, 1 Mason .	3	1	1	2	2
D. Moodie .	—	2	1	—	2	2
C. T. Thornhill .	2 House Carpenters, 1 Blacksmith	5	1	—	1	—
W. Gilfillan .	2 Masons, 1 Carpenter .	2	1	—	—	—
R. N. Dunn .	1 Mason, 1 Carpenter .	1	—	1	2	2
John Crause .	—	2	1	—	2	2
W. Currie .	—	—	—	—	1	2
Chas. Crause .	—	2	1	1	—	1
John C. Chase .	—	1	1	2	2	2
J. Collis .	1 Mason	1	1	2	—	2
J. Cowie .	—	2	—	—	—	—
Mary Gouw .	—	2	—	—	1	—
J. Cumming .	—	—	—	8	1	1
John Kenny .	2 Shoemakers	2	—	6	2	—
Niel Dougherty .	—	6	—	3	2	—

Names of Employers.	Number of Mechanics with the several trades wanted.	Number of Laborers.	Number of Female Servants.	Number of Boys from 16 to 18.	Number of Girls under 15.	Number of Boys under 15.
J. H. Halse . . .	---	1	1	-	1	1
Nathl. Morgan . . .	---	1	1	-	1	1
James Lance . . .	---	-	-	-	1	2
H. Brown . . .	2 Shoemakers . . .	-	-	-	-	-
Wm. Bear . . .	1 Blacksmith . . .	1	-	-	-	-
Wm. Howard . . .	---	3	-	2	-	1
James Murray . . .	1 Blacksmith . . .	2	-	2	1	1
G. Masden . . .	2 Sawyers . . .	-	-	-	2	2
Geo. Phillips . . .	---	1	-	1	1	1
Edward Haley . . .	---	2	-	-	1	1
Gullis Willan . . .	---	-	-	1	-	1
Peter Maley . . .	---	-	-	1	1	1
Thos. Page . . .	---	2	-	1	1	1
J. P. Pedlar . . .	---	2	-	-	1	-
Thos. Bingle . . .	2 Shoemakers . . .	-	-	-	-	-
Richd. Peacock . . .	1 Millwright, 1 Carpenter . . .	2	2	2	2	2
W. Eales . . .	---	-	-	-	1	2
Henry Lloyd . . .	---	-	-	-	1	1
A. B. Dietz . . .	2 Masons, 1 Carpenter . . .	2	2	2	1	2
F. Carlisle . . .	1 Mason, 1 Carpenter . . .	3	3	1	1	3
John Hope . . .	1 Mason, 1 Carpenter . . .	2	1	-	1	1
P. Retief . . .	1 Mason, 1 Wheelwright, 1 Carpenter, 1 Blacksmith . . .	4	1	1	1	1
Alex. Biggar . . .	1 Mason, 1 Carpenter . . .	2	-	-	3	3
Miles Bowker . . .	---	-	-	-	2	2
H. A. Crause . . .	---	2	1	1	1	-
S. Biddulph . . .	1 Bricklayer . . .	1	1	-	1	1
J. B. Biddulph . . .	1 Wheelwright . . .	1	1	-	-	1
S. H. Bradshaw . . .	1 Miller . . .	-	-	-	7	7
Wm. Boardman . . .	---	2	1	-	1	-
Alex. Bissett . . .	---	1	-	-	1	2
J. Pawle . . .	---	-	-	1	1	1
Samuel Bennett . . .	---	2	1	1	1	1
John Willis . . .	---	2	1	1	1	1
F. P. Zenn . . .	---	2	1	-	2	1
Ed. Hanger . . .	---	1	-	-	1	1
Robt. Godfrey . . .	1 Blacksmith, 1 Wheelwright . . .	1	-	-	1	-
J. Marshall . . .	---	2	-	-	-	-
Henry Harper . . .	---	1	-	1	-	1
Jas. Wallace . . .	---	1	-	1	-	-
R. B. Green . . .	---	1	1	-	1	-
R. Godlonton . . .	---	1	1	-	-	-
Christ. Dale . . .	---	1	1	-	1	-
P. Giblan . . .	---	1	-	1	1	-
Jas. Thomas . . .	---	2	1	1	1	1
R. Forrester . . .	---	1	-	1	1	-
Chas. Kestell . . .	---	1	-	-	-	-

Names of Employers.	Number of Mechanics with the several trades wanted.	Number of Laborers.	Number of Female Servants.	Number of Boys from 16 to 18.	Number of Girls under 15.	Number of Boys under 15.
Saml. Liversage . .	—	—	—	1	1	—
Geo. Blackmore . .	—	2	—	1	—	—
Thos. Bainbridge . .	—	2	—	1	1	—
Wm. Tarr . .	—	1	—	—	1	1
John Niland . .	—	1	—	—	1	1
Wm. Thomas . .	1 Cabinetmaker . .	1	—	—	—	—
Abraham Robinson . .	—	2	1	1	1	—
David Cawood . .	—	—	—	—	2	1
Jas. & Wm. Cawood . .	—	—	—	—	2	1
Wm. Gradwell . .	—	—	—	—	2	1
C. Stone . .	—	2	1	—	2	—
W. R. Thompson . .	1 Tailor	1	1	—	1	1
Jno. Eyre . .	1 Gardener	—	1	—	—	1
Captn. Page . .	—	—	1	—	—	1
A. Kidwell . .	—	2	—	—	1	1
D. Lains . .	—	1	—	—	1	—
Richd. Attwell . .	—	—	—	—	1	—
Wm. Roberts . .	2 Carpenters	—	—	—	—	—
Wm. Smith . .	—	1	—	—	4	1
J. Latham . .	1 Carpenter	1	1	2	2	1
Wm. Austin . .	1 Carpenter, 1 Mason, 1 Shoemaker . .	2	1	—	1	—
Thos. Hewson . .	1 Blacksmith, 1 Wheelwright, 1 Gunlock Filer . .	1	—	—	2	1
W. Wright . .	—	1	—	—	1	1
Jno. Weeks . .	—	1	—	1	1	1
Jos. Walker . .	—	—	—	1	1	1
Jas. Carney . .	—	—	—	1	1	1
John Mandy . .	2 Carpenters	1	—	1	1	1
Thos. Hartley . .	—	1	—	—	2	—
Wm. Stanton . .	—	1	—	—	1	—
J. Bailie . .	2 Shipwrights, 2 Masons, 1 Blacksmith, 1 Wheelwright, 1 Carpenter . .	2	4	—	—	—
L. Rubridge . .	1 Mason, 2 Carpenters . .	5	2	4	7	2
John J. Smith . .	—	—	—	—	1	1
D. McDonald . .	—	4	1	2	2	1
Geo. Southey . .	—	—	—	—	1	1
T. P. Penn . .	—	2	1	—	2	1
J. W. Hiles . .	1 Leather Dresser	2	—	—	—	—
Wm. Holder . .	—	1	—	—	1	—
D. & W. C. Hobson . .	1 Carpenter, 1 Groom . .	3	—	—	3	2
James Ward . .	—	2	—	—	—	1
John Henry Dixon . .	—	—	—	1	1	1
James Wheeler . .	—	1	—	—	1	—
Peter Vallentine . .	—	1	1	—	2	1
Jas. Usher . .	—	1	1	—	2	1
Rob. Rodgers . .	—	1	1	1	1	—

Names of Employers.	Number of Mechanics with the several trades wanted.	Number of Laborers.	Number of Female Servants.	Number of Boys from 16 to 18.	Number of Girls under 15.	Number of Boys under 15.
Thos. Lanham .	---	1	1	2	1	-
J. Dednan .	---	2	1	1	1	-
Wm. Pike .	---	3	3	1	4	4
Geo. Mugleson .	---	2	1	-	1	1
Stephen Gradwell .	---	1	1	2	1	1
Thos. Peel .	---	1	1	-	2	-
Chas. Mouncey .	---	2	1	-	-	-
Jno. Wainwright .	---	2	1	-	2	1
Chas. Cockcroft .	---	-	-	1	1	-
Wm. Griffith .	---	1	-	-	1	-
Isaac Dyason Senior	1 Tin Plate Worker . . .	1	1	-	-	-
John H. Smith .	1 Joiner	-	-	-	2	1
C. Mackay .	2 Shipwrights, 1 Boat Builder, 1 Joiner	2	-	-	2	1
R. Wicks .	1 Joiner	1	-	-	1	1
Thos. Jarman .	---	-	-	1	1	1
P. Hall .	1 Carpenter	1	-	-	1	1
John Sanders .	---	-	-	-	2	-
John Moodie .	---	-	-	1	1	1
R. Whitehead .	---	1	-	1	1	1
Jos. Garburd .	---	-	-	-	1	1
J. H. Heath .	---	1	1	1	2	-
John Carlisle .	1 Mason, 1 Carpenter . . .	3	1	1	2	2
J. Rafferty .	1 Currier, 3 Shoemakers, 1 Tanner, 1 Saddler	4	1	6	-	-
W. Ogilvie .	A General Workman in the Gun line, 1 Wheelwright, 1 Blacksmith	2	-	1	-	1
L. Schmidt .	---	1	-	-	1	1
Henry Ulyate .	1 Wheelwright	1	-	-	-	-
Geo. Morrison .	2 Shoemakers	-	-	-	-	-
J. B. Biddulph .	1 Tanner, 1 Currier . . .	2	-	-	2	-
Robt. Pim .	---	1	1	-	3	1
John Butt .	---	1	-	-	1	-
John Buckley .	1 Mason	-	1	3	-	-
John Giddens .	---	4	3	-	2	-
Samuel Birt .	---	3	-	-	-	-
Wm. Wait .	1 Carpenter, 1 Mason . . .	2	1	-	2	2
Chas. Penny .	---	2	-	-	-	-
John Ray .	---	-	-	-	4	-
Samuel Bonner .	1 Carpenter, 1 Mason . . .	2	1	1	-	-
James Vice .	---	-	-	-	2	-
Robt. Henman .	---	1	-	1	-	-
William Elliott .	---	-	-	2	1	1
Richard Freemantle	---	-	-	-	1	1
John McKenny .	4 Shoemakers, 2 Tanners .	-	-	-	-	-
Jeremiah Honey .	---	-	-	4	-	-
Jno. Curtas .	---	1	-	1	1	1

[Copy.]

*Letter from LORD CHARLES SOMERSET to the COMMISSIONERS
OF ENQUIRY.*

GOVERNMENT HOUSE, CAPE TOWN, 24 September 1824.

GENTLEMEN,—I have the honor to state to you that immediately on the receipt of your letter of the 15thth Instant Instructions were sent to the Landdrost of Albany to purchase the Erf and Garden adjoining the Chaplain's Residence agreeable to your recommendation. That part of the Buildings upon this Erf which adjoin the Chaplain's Residence will be attached to it in future, but I have suggested to the Landdrost the expediency of appropriating the more remote Building to a School; the value of this latter Building will be estimated and the Interest upon the remainder of the purchase money will become an annual charge against the Chaplain's Salary agreeably to the Instructions contained in Earl Bathurst's Despatch of the 31 July 1822. I have &c.

(Signed) C. H. SOMERSET.

[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to R. WILMOT
HORTON, ESQRE.*

CAPE TOWN, 24 September 1825.

SIR,—Mr. Carlisle who proceeds to England for the purpose of hiring labourers and mechanics and conducting them to the Albany District to serve there under Indentures to the emigrant settlers has requested us to recommend him to your favourable notice. We willingly bear testimony to the respectability of Mr. Carlisle, whose early exertions in the Settlement were impeded by severe indisposition but have since been successfully renewed.

We think moreover that Mr. Carlisle is likely to acquit himself with credit of any engagement which His Majesty's Government may deem it expedient to enter into with him for the conveyance of emigrant labourers from Great Britain.

We are by no means disposed to question the statement that he will present to you of the great disproportion in the supply of agricultural and mechanical labour to the demand that now exists for both in the Albany District, and we conceive that the benefits arising from the introduction of useful labourers would tend greatly to advance the prosperity of the District, but as we observe that the rate of wages that the Settlers engage to give to mechanics and labourers is much below the prevailing rate of wages both in that District and in those nearer Cape Town, we think that the same spirit of discontent and disappointment that was so fatal to the engagements made between the settlers and their former labourers and that occasioned so much embarrassment to the local authorities on the first emigration would not fail to shew itself as soon as those labourers acquired a knowledge of the actual demand for their labour in the Colony and of the benefits which their engagements would thus prevent them from reaping. It may be found practicable by Mr. Carlisle to induce the number of mechanics and labourers that the District has professed its readiness to employ to leave England and to repair to the Cape of Good Hope on the terms he is prepared to offer, but we think that his chance of success will be improved if that rate should be held out as the minimum of what they are to expect, with permission to take advantage of such higher rate as they may be able to procure upon their arrival in the Colony. We think that by these means the evil consequences arising from premature engagements might in a great measure be obviated, while at the same time the Government in sanctioning the measure would receive a guarantee for the immediate and adequate support of the persons who agreed to emigrate, and the settlers would ultimately benefit by the augmentation that would be made to the general stock of labour and on which they must exclusively depend for any permanent reduction in the wages of labour throughout the Colony. From some conversation that we have had with Mr. Carlisle he is disposed to concur with us in the view we take of the advantages derived from the unrestricted condition of the labourers on their arrival, but he is at the same time of opinion that the present rate of profit in the cultivation of land in the Albany District will not enable the Settlers to pay a higher

rate of wages than that which they have pledged themselves to give by the terms of their proposal. In the event of those or even better terms being obtained by the emigrant labourers, we see no objection to the deduction of a certain amount from their yearly wages as an indemnification to Government for the expense of transport, with the exception of boys and girls under the age of 15 years who do not at present obtain a remuneration for their services that would admit of a reduction on this account. The charge as in several instances that have occurred would fall upon the parents, and it would be a great encouragement to indigent families desirous of emigrating to be relieved from it. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to GEORGE HARRISON, ESQRE.

DOWNING STREET, 25 September 1825.

SIR,—I am directed by Earl Bathurst to transmit to you two dispatches, Nos. 183 and 184, which have been received from the Governor of the Cape of Good Hope; the former transmitting a petition addressed to His Majesty by a Committee representing the freeholders and inhabitants of that colony, convened for the purpose of taking into consideration the operation of the Ordinance of the Governor for establishing the British metallic currency as the circulating medium of the colony; and the latter enclosing the proceedings in council upon this subject.

I likewise transmit a letter which has been received from the Commissioners of Inquiry, containing observations which have occurred to them in the consideration of the above measure; and I am to request that you will lay these papers before the Lords Commissioners of His Majesty's Treasury, for their Lordships' consideration. I am &c.

(Signed) R. W. HAY.

[Original.]

Return of Troops serving at the Cape of Good Hope on the 25th of September 1825.

Officers of all ranks at the Regimental Headquarters or on	
Detached Duty at the Station	135
Sergeants, Trumpeters, Drummers, and Rank and File :	
Royal Artillery	69
Royal Sapper and Miners	21
49th Regiment	579
55th Regiment	580
98th Regiment	558
Cape Corps { Cavalry	250
{ Infantry	267
<hr/>	
Grand Total	2,459

(Signed) C. H. SOMERSET, General Commanding.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MAJOR GENERAL BOURKE.

DOWNING STREET, 26th September 1825.

DEAR SIR,—I beg to acknowledge the receipt of your letter of 25th Instant, and I am sorry that it is out of my power to give a favorable answer respecting Mrs. Stretch's application. It is inconsistent with the established Regulations to grant free Passages to private individuals in Public Ships, and it would be equally irregular, were you to return Mrs. Stretch's and her Granddaughter as part of your suite, in order to procure them a Passage on board the King's Ship which will carry you out to the Cape. I beg to return you the two inclosures of your letter.

I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from the SECRETARY TO GOVERNMENT *to* R. WILMOT
HORTON, ESQRE.

CAPE OF GOOD HOPE, 26th September 1825.

MY DEAR SIR,—You will at last receive by this opportunity a draft of the proposed Order in Council for the amelioration of the Slave Population in this Colony.

I have had a very hard battle to fight to get it to assimilate, as nearly as it does now, to the Trinidad Order in Council, and I still fear you will think it incomplete.

The Chief Justice has resisted almost every change, in which he has been backed by Lord Charles, they being both of opinion that the Proclamation of 18th March 1823 should not have been extended or interfered with.

The explanations for the deviations which have been made from the Trinidad order are, with very few exceptions, written by Sir John Truter, and his Dutchified English is not very clear. In some of the deviations I agree perfectly with the Council, especially in the first, for I cannot conceive how the advocate expressly appointed to defend one party should act as a Magistrate. I also think that until a better system of Education takes place, it will be absolutely necessary to authorize some gentle chastisement for the women.

By the Trinidad order slaves are not to be sold separately from their wives, husbands or children, under sentence of a Court of Law. We have made this Regulation general, in every case of sale. In the clause prohibiting slaves from working for their own profit on Sunday, the exception is extended in our draft to *pressing occasions*. This was the only means of getting the clause inserted at all, as it is a common custom here to work on Sunday. The whole Council were against me, and altho' I am aware that those slaves who do work on Sundays, are generally of the better class, and that many of them employ their time worse in the public houses, still I could not allow of the principle being recognized.

Whatever we may enact however upon this head, until the population increases, and labour becomes cheaper than it now is, we shall never be able to put a stop to the present practice.

Indeed I confess myself that I think any precipitate attempt would do much mischief. The old Colonists are certainly very sore and very irritated at the present moment. The fear of emancipation of their slaves, in which the great bulk of their property consists, the reduction of the duties on French and Spanish wines, and the settling the rixdollar at eighteen pence have altogether contributed to excite a considerable degree of dissatisfaction and ferment, altho' nothing has yet shewn itself openly, but they talk very strongly on the subject.

I think it absolutely necessary that should the present Order in Council, or an amended one, be sent out for promulgation here, that Clause should be inserted which pledges the Government not to interfere with the rights of the proprietors in their slaves and to their services.

We have made an exception from the general rule of not selling separately mothers and children, where in cases where from the notorious bad character of the mother, it would be injurious to the wellbeing of the child to comply with the rule.

As to slave evidence, the Courts here have always considered slaves as competent evidence, and have even admitted them as such, without their understanding the force or obligation of an oath. This latter point is still left to the discretion of the Court.

We have made the Registrar of Slaves, the Protector (or rather the Guardian, which was deemed to be a more palatable title) for no other reason that I could make out but because it was so done in the Trinidad order, but I conclude that when a Protector or Guardian is appointed, the present duties of the Registrar will fall as a matter of course into the office of Protector, as we cannot afford to pay two Heads. The present Registrar is Major Rogers, late Military Secretary to Lord Charles, but I conclude the Protector must be a legal man.

You will perceive in clause 26 that the owners of Christian slaves and Christian slave children are relieved from all taxes which now are or which may be henceforth specifically levied upon slaves. In the next clause the said owners are obliged to send their Christian slave children to school, but there is no penalty for not doing so. Now in my opinion the relief from taxes should only be granted on a certificate, not only of Baptism but of the slave children belonging to such owners

having attended the schools. I wish to call your notice particularly to this point because I am aware the Commissioners of Enquiry think of proposing a tax on slaves here. At present they are partially taxed only in one or two districts.

The council are also of opinion that the restriction to the Protector or Guardian of not being a slave owner or holder applies only to slaves used in agriculture, and not to *domestic slaves*. I think this would be a dangerous exception, and I therefore call your attention to it, at all events with the Protector, if not with his deputies in the country districts.

I cannot conclude this subject without observing that whatever enactments you may make for the amelioration of the slaves, it will be impossible to do justice to them as long as their Judges and Magistrates continue to be slave owners, and a reform in our Judicial and Magisterial Establishment will prove of more benefit to the slaves than any Order in Council you can publish. I have &c.

(Signed) RICHD. PLASKET.

[Copy.]

Letter from the SECRETARY TO GOVERNMENT *to* COMMODORE CHRISTIAN.

COLONIAL OFFICE, 26 September 1825.

SIR,—Mrs. Erith, the Wife of a British Settler who has returned Home, (leaving her in a destitute state, with three children) having applied to Government to be sent on to England as a distressed British Subject, by some Government Vessel, I have the honor to request that you will be good enough to inform me whether she and her Children can be accommodated on board His Majesty's Ship *Espiegle*, now under Dispatch. I have &c.

(Signed) RICHARD PLASKET.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 27th September 1825.

MY LORD,—I have the honor to acquaint your Excellency that in the event of your availing yourself of His Majesty's permission to return to England the Lords Commissioners of the Admiralty have instructed the Naval Officer commanding on the Cape Station to afford your Excellency the necessary accommodation on board His Majesty's Ship *Samarang*.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from MAJOR GENERAL BOURKE *to* R. W. HAY, ESQRE.

SOUTHAMPTON, September 27th 1825.

DEAR SIR,—I have been favored with your note of yesterday, and beg to inform you in reply that I shall have the honor of waiting on Earl Bathurst on Thursday next at two o'clock in obedience to His Lordship's Commands.

It occurred to me that it might be convenient to commit to writing the principal matters upon which I am desirous of obtaining Lord Bathurst's instructions, and I have accordingly addressed a letter to you on this subject, which I now forward, in order that there may be some little time for considering its contents before I have the honor of seeing Lord Bathurst.

I have &c.

(Signed) RICHD. BOURKE, Major General.

[Original.]

*Letter from MAJOR GENERAL BOURKE to R. W. HAY, ESQRE.*SOUTHAMPTON, *September 27th 1825.*

SIR,—Conceiving it may promote the public service to receive Earl Bathurst's instructions before my departure for the Cape on certain matters which are likely to be brought before me in the event of my being left in charge of the Government of the Colony, I beg leave to submit for consideration the following particulars upon which I request to know His Lordship's pleasure.

It appears by several of the Dispatches of Lord C. H. Somerset that various augmentations of offices, salaries and pensions have been directed, and several new works undertaken by the Colonial Government without the previous sanction of Lord Bathurst; and it further appears by dispatches to the Governor of the Cape that some part of this increased expenditure has been disapproved of by His Lordship. There is nevertheless great reason to imagine that several of the augmented salaries and pensions are still continued and several works in progress for which the Successor of the present Governor may be required to issue Warrants at the risque of surcharge, or by refusing to do so may subject Individuals to great inconvenience and loss. I would therefore beg to have some precise instruction on this head, which may either sanction the grant of a Warrant in such cases, or may serve as sufficient authority for refusing it, however much I may be pressed by the Individuals concerned, or however injurious it may appear to the Colony to put a stop to any public work already advanced in progress. This object might perhaps best be answered by obtaining from the office of the Colonial Auditors in London a schedule of all items of expenditure sanctioned by Lord Bathurst within the last four years whether as augmentations of previously existing charges, or altogether of new creation.

Amongst these objects of expense I beg particularly to call Earl Bathurst's attention to the arrangements announced in the Governor's letter of the 31st March last in the new District of Somerset. Having seen Lord Bathurst's dispatch of the 9th August in reply, I should think myself bound to refuse any

payment on account of this District, did I not perceive by a later communication from Lord C. Somerset that Erven had been sold in the new Drostdy to the amount of 50,864 Rds., and in so far the condition required in Earl Bathurst's letter of the 9th August seems to have been complied with. Doubtless as the Somerset Farm has been broken up and building lots sold a considerable number of Persons may have repaired to the Spot and it may have been necessary to appoint a Resident Magistrate.

With regard to the appointments at Port Frances, Algoa Bay and Bathurst announced in the dispatch of the 31st March last, I shall think it my duty in conformity to the tenor of Lord Bathurst's reply of the 9th August to refuse Warrants for any expense that may have been incurred under those heads.

The Repairs of the Government House at Cape Town and of that of the Commander of the Forces at Newlands appear to have exceeded the estimates and to have drawn from Lord Bathurst some expression of dissatisfaction. As I shall probably find these Works still in progress I could wish for some precise instruction respecting them.

The expense of the new Drostdy House at Worcester has likewise been complained of ; but the building must I presume be completed. The Auditors will however require Lord Bathurst's sanction before they pass any part of this charge.

I have not been able to ascertain the most easterly point to which it has been proposed to carry the road lately made over the Fransche Hoek Kloof. I collect from the Dispatches I have read that Earl Bathurst has sanctioned its formation from Cape Town across the Cape Flats and over the Fransche Hoek Mountain. The expense of so much of the Road has been estimated at £9,230 sterling, and so far back as May 1824 the most difficult part of the work was nearly finished. Major Holloway reports that for the benefit of the Albany District the road should be carried on thro' Kogmans Kloof to avoid the Cradock Pass, which is represented as dangerous. Considering the great importance of good roads in a Country where there are no navigable rivers or canals, and where coasting is peculiarly dangerous, I would submit to Earl Bathurst the expediency of continuing this road as far eastward

as may be useful, incurring only a certain annual expense to be limited by His Lordship. It is in this manner that I apprehend that another most useful work, the Survey of the Colony, is now carrying on by the Engineers.

I have not been able to find any statement of Receipt or Expenditure at the Cape brought lower down than to the 31st December 1822. By an accmpt of that date it should appear that there was a Surplus Revenue of about 100,000 Rds., but in a note to that accmpt it is stated that several articles of charge have not been inserted. It is probable therefore that there was no surplus. The expenses of the years 1823 and 1824 have not I apprehend been less than those of 1822 nor the income greater. Indeed I am informed from various quarters that there is a considerable defalcation in the Colonial Treasury and that the salaries of several of the Civil Servants are in arrear. Should I find this to be the case, and that the Income of the Colony is actually unable to bear its charges, it would be desirable to have Earl Bathurst's leave to draw on the British Treasury for a sum sufficient to pay off the arrears. I mention this merely as a temporary expedient to prevent encreasing discontent, for considering that the administration of the Colony will rest with me during the absence of the Governor only, it would be presumptuous in me, even if I were capable, to undertake or propose measures by which the expenses of the Colony might be permanently reduced within the limits of its income.

On the subject of the Eastern District I may perhaps be pardoned for offering a few remarks, and suggesting in the first place that previous to my going thro' it, it would be a great advantage to have some general idea of the intentions of His Majesty's Government as to its Extent, Revenue and Establishment. It appears to me that it might conveniently consist of the Districts of Albany, Graaff Reinet, George, and Uitenhage, including the newly created district of Somerset, which has been formed out of these. The population according to the Census of 1823 would amount to about forty-six thousand souls. The most central and probably the most convenient situation for the seat of Government will perhaps be found in or near the Town of Uitenhage. This Town is distant about 20 miles from Port Elizabeth, the principal anchorage for

Vessels trading directly with the Eastern District of the Cape. It is not probable I understand that the mouth of the Kowie can ever be made accessible to Ships of considerable tonnage.

With regard to the Revenue a certain part may be collected within the District, such as the

Land Revenue,
Duties on Stamps,
Duties on Transfers and Sales,
Duties on Grants of Land,
The Commando Tax,

and if the forms of Dutch Jurisprudence are to be preserved,

Fees payable in the Courts of Justice,
Do. on appeals,
Do. in Fiscal's office,
Do. Orphan Board,
Do. Sequestrator's office,
Do. Slave Registry office,

to which should be added a proportion of the profits of

Banks of Loan and Discount,
Post Office,
Wine Taster's Office,
Customs.

The last item is the most important ; and it will probably be necessary to continue for some time the Customs as a source of Revenue common to both Districts. The Establishment of a Custom House at Port Elizabeth or Port Frances from whence Vessels might clear out and in is however not the less expedient, and has been recommended by the Commissioners in their Report on the Albany District. To the foregoing may be added certain incidental items of Revenue, such as Fines in criminal cases and breaches of the Revenue laws, and the Crown's moiety of Seizures.

The Officers and Persons to be employed in them must depend upon the nature and extent of the business to be done. If all the foregoing branches of Revenue are to be collected the number must be considerable.

One of the principal items of expense to the Colony is the

maintenance of the Cape Corps, for the year ending 24 March 1822 £15,590 11s., the whole charge of which it may be endeavoured to throw upon the Eastern District where the Corps is cantoned. But as the defence of the Frontiers is the defence of the whole Colony, it will be only fair that the Colony at large should bear the expense. It appears to me however that a much smaller establishment and one differently organised would serve to protect the borders from Kaffer depredations. I should conceive that a body of Gendarmerie or Horse and Foot Police similar to the Constabulary force in Ireland, and under the command of the civil power would better answer the purpose of preventing robbery or apprehending Robbers than the Cape Corps in its present form. I see by the monthly Returns of the 25th April last that of four troops of Cavalry three were at Head Quarters at Graham's Town, and of the same number of Companies of Infantry two were at the same Head Quarters, so that but one Troop and two Companies were detached for the prevention of depredations. The number of Men of which this one Troop and two Companies consist is about 200, a force if properly divided and put under the command of active Chief Constables probably quite sufficient to prevent depredation or apprehend depredators. For the defence of the frontier indeed against hostile attack it would be necessary to station in the Eastern District one Regiment or part of one Regiment of those usually forming the Garrison at the Cape. I believe detachments from these are even now quartered in Graham's Town. The Cape Regiment to say the least of it is as expensive as any in His Majesty's service, and is chiefly regarded by the Army as affording to Officers the means of obtaining a step of rank. The establishment consists of 30 officers, of which 12 were absent with or without leave on the 25th April last.

As the situation in which I shall find myself on my arrival at the Cape must depend in great measure upon the plans and movements of the Governor, I have but little to submit to Earl Bathurst on the subject. But I beg leave respectfully to observe that I conceive it will be inexpedient to take upon me in either the civil or military departments any of the duties formerly discharged by Lieutenant Governors of the Cape, such as the command of the Garrison, which with the advan-

tages of Pay and House attached to it, is now held by the senior regimental officer present, or the duty of Assistant to the Governor in Appeal cases, or under the late regulation a seat in Council. If the Governor should decide to return to Europe shortly after my arrival at the Cape, I shall be called to take his place, and if he should not I would propose to proceed without much delay on the duty of inspecting the Eastern District and making those arrangements for the establishment of its separate Government as are set forth in Earl Bathurst's dispatch to Lord C. H. Somerset of the 20th August last, and as may be more fully pointed out in my Instructions.

I have &c.

(Signed) RICHD. BOURKE, M. General.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 28th September 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch No. 177 dated 8th June last, in which you state that you had authorized a small Schooner to be built for Service at Port Frances at the Mouth of the Kowie River ; and I regret to be compelled to acquaint you in reply that as there does not appear to exist any reason for your Lordship's having incurred such an expence without having previously referred to me for my sanction, I do not feel myself at liberty to authorize this expenditure amounting to the sum of Seven thousand four hundred and seventy Rixdollars, for which, therefore, your Lordship will be held accountable.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 28 September 1825.

MY LORD,—I have had the honor to receive your Lordship's Despatch under date the 28th April last, No. 163, transmitting to me representations from Messrs. T. Pringle, D. P. Francis and Benjamin Wilmot, and I have now the honor in obedience to your Lordship's Commands to transmit to your Lordship my Replies to Mr. T. Pringle's Statement.

In order to place them in the clearest light before your Lordship, I have divided Mr. Pringle's representation into Paragraphs on one side of the Paper and have inserted my Reply opposite to them, referring at the same time to Documents which I have put up as Annexures, and I trust the whole will prove entirely satisfactory to your Lordship.

I hope in a very few days to be able to forward refutations equally satisfactory to the Statement of Francis and Wilmot, waiting only to receive some Documents from the Frontier necessary to accompany them. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

Replies of LORD CHARLES SOMERSET to MR. PRINGLE'S statements.

4th. Lieutenant Colonel Bird, who was I understood in the habit of corresponding with Mr. Thomas Pringle, read me at different times passages in private letters from him expressive of his satisfaction at his location.

8th. I gave Mr. Thomas Pringle the appointment of Sub-Librarian at the particular request of Lieutenant Colonel Bird, then Secretary to the Government.

9th. In transmitting his Prospectus for publishing this periodical work (copy of which is annexed), Mr. Pringle never on any occasion mentioned Mr. Fairbairn as being joined with him in the undertaking, but merely the Rev. Mr. Faure.

10th. The total falsehood of this assertion will appear in the Statement of His Majesty's Fiscal, in reply to this and other paragraphs annexed. In lieu of the Fiscal having stated to Mr. T. Pringle: "that several expressions had given me much offence," it will be seen that I was totally ignorant of the Fiscal's having any intention to communicate with Mr. Thos. Pringle.

11th. The "*Difficulty and Peril*," as Mr. Thos. Pringle chuses to term his situation, were entirely created by his wilfully departing from and disregarding the conditions of his Prospectus. The *Censorship* that he talks of is the child of his own brain, *vide* the Fiscal's statement. As for the pretended pecuniary loss, and the number of subscribers exceeding Mr. Thos. Pringle's expectation, I was confidently informed at the time, that he was extremely glad to avail himself of any excuse for discontinuing his *Journal*, as it was considered so dull that its sale did not at all meet the expence of publishing.

12th. Mr. Pringle here avails himself, as he does throughout, of an opportunity to make a wilful misstatement by calling the press that was stopped "an independant Press," knowing perfectly well that the press alluded to was dependant upon its being carried on under similar restrictions to those by which his own *Journal* was bound. This Memorial was signed by all the lowest and most disreputable persons in the Community, and by scarcely any respectable person until Mr. Hawkins (the Agent for the Honorable East India Company) was induced to sign it, which was used as a handle to persuade others to put their names to it.

13th. The whole of this Paragraph is gross and gratuitous falsehood, and ought to render the writer's word unworthy of credit on any subject.

14th. It is scarcely possible to comment with any temper on assertions so impudently false as Mr. Thos. Pringle's in this paragraph. Sir John Truter's letter (to whom I referred for what passed at the interview I had with Mr. Thos. Pringle in Sir John's presence) will shew that my communication with Mr. T. Pringle was the very reverse of what he has had the audacity to assert it to be. The spirit of "hostility" and "vengeance" that Mr. T. Pringle has found it convenient to assert I have manifested towards him, I conclude arises from

his thinking that his conduct towards me, from whom he has received such unbounded favours (favours scarcely indeed consistent with my public duty), entitled him to be so thought of by me, but Mr. T. Pringle values his own consequence much too highly if he supposes that I have bestowed so much consideration upon him.

15th. The Fiscal's Statement will shew that the assertions contained in this Paragraph are entirely inventions of the Author.

16th. I positively declare that I never authorised Mr. Advocate Cloete to make use of the expressions here quoted, nor of any words to that effect, I merely authorised him to state that I felt it my duty not to countenance the Establishment of the Society for which he was deputed to solicit my patronage. Mr. Advocate Cloete might have heard (not that I am aware that I ever expressed it, although I certainly felt it) that after the recent proof I had had of the total disregard Mr. Thos. Pringle shewed to the conditions to which he had solemnly pledged himself, I could not consider it consistent with my public duty to countenance any undertaking (which must necessarily be bound by certain restrictions) in which he was a leading character. Mr. Fairbairn was then only known to me as the Usher in Mr. T. Pringle's school.

17th. A reference to the Statement of the Fiscal, to Sir John Truter's letter, and to what has been said above, will I trust be a sufficient refutation of the extravagant assertions and unwarrantable falsehoods contained in this paragraph.

18th. I conclude this to be the invention of the writer's brain, as I never heard of the circumstance, nor do I know of any respectable clergyman in the Colony who is, or ever was, in the habit of visiting at Mr. Pringle's house.

19th. I considered that the most satisfactory mode of refuting this assertion was to refer it to the gentlemen of the Committee for erecting a Scottish Church here. The Annexures D. and E. contain the correspondence thereon, which completely and decidedly negatives Mr. T. Pringle's assertion.

21st. As far as I am acquainted with Mr. Pringle's character, I only know that he has received greater favors from me than any other individual has during nearly twelve years that I have had the honor to administer the Government of this

Colony, and that as far as I have any knowledge of him he has in return opposed my Government by every means in his power. It will be seen by what has been said, and by the Documents annexed, that there is scarcely a colour of truth in any one of Mr. Pringle's assertions.

22nd. I cannot call to mind ever having mentioned Mr. Pringle's Academy. I have frequently heard in the course of conversation gentlemen complain that the School was much neglected, and that their sons learnt nothing, and expressed their anxiety that the Master of the Classical School expected from England should arrive, particularly Lieutenant Colonel Cary, Royal Artillery, Lieut. Col. Blake, Deputy Adjutant General, Sir John Truter, Chief Justice, (respecting his grandson), Mr. Pigou, in the Bengal Civil Service, &c., &c. Of course these observations could not originate with me, although it suits Mr. Pringle's convenience in his desire to calumniate me to assert it. His School declined solely from its demerits, it is needless to comment upon the repetition of the Falsehoods contained in Paragraph 18.

23rd. In this paragraph the writer says "in the establishment of which (meaning the School) he had embarked whatever Capital (and credit) he could command," by a reference to Paragraph 2 it will be seen that he avows his "personal deficiency in Funds."

24th. With regard to Mr. T. Pringle's claim on the Government, I have only to refer to the papers alluded to in the comment on paragraph 21; by those it will be seen that Mr. Pringle has received a Grant of 9,410 acres for himself and party, they being entitled to only 1200, excess 8,210 acres, exclusive of 500 acres to a Mr. Sydserff, who as a half-pay officer received (under a regulation established by the Acting Governor) 500 acres, total surplus 8,710 acres, that he received for his brother and brother-in-law under an assertion that they were immediately coming out to the Colony 5,623 acres; these persons have never arrived, and Mr. Pringle retains the whole Grant. That his brother Mr. John Pringle received a grant of 2,936 acres, making a total of nearly 18,000 acres, for the whole of which a rent of only 147 Rds. or £11 0s. 6d. per annum is charged, and yet he has the audacity to solicit a further grant of land and compensation for his actual losses.

It will also appear by the correspondence that immediately on Mr. Pringle's notifying in his letter of the 18th February 1824 that he had any surplus produce, I directed the whole amount tendered to be accepted for the supply of the Troops in that Quarter. I also acquiesced in his relinquishing his party and adopting another course of life, placed him in a respectable situation (Sub-Librarian), and indulged him with retaining that Situation whilst at the same time he was keeping a Grammar School, situations not strictly compatible with each other except under great indulgence; these are the Acts of "Hostility" and "Injustice" which have unexpectedly overwhelmed this man with "Debts." It is thus that he has been "*subjected to most severe and inexcusable ill-usage,*" these are the instances of insult, of obloquy, of injury, and of persecution, that he has received, for the consequences of which he asserts that I ought to be "amenable." If, as he avers, I have "*abused the power and influence of the Government entrusted to me,*" it has been by heaping favors upon one who has dared to pen such gross and impudent libels, and who has proved himself in every point of view so unworthy of them.

I shall only comment upon one more expression contained in Paragraph 27, "and above all in coming forward among the first, frankly and fearless of consequences, to furnish information of various flagrant abuses to His Majesty's Commissioners of Inquiry." I have deemed it necessary for my own justification to communicate with His Majesty's Commissioners as to the truth of this imputation, and annex their reply.

I shall now only add that I am confident if Mr. Pringle could have supposed that Earl Bathurst would have permitted this representation to be referred to me, he never would have had the presumption (hardened as he may be in untruth) to have transmitted it to His Lordship.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from the SECRETARY TO GOVERNMENT *to* R. WILMOT
HORTON, ESQRE.

CAPE OF GOOD HOPE, 28th September 1825.

MY DEAR SIR,—By the ship *Cæsar* which arrived here this day fortnight we received newspapers containing the debates in the House of Commons relative to this Government, and which held out that leave of absence had been granted to Lord Charles with the view of enabling him to meet in person the various charges which have been made against him. He is naturally very anxious upon the subject, but not having received a line either from Downing Street or from his own family, he can of course not decide upon anything.

I have only to express my hope that the interregnum, if we are to have one, may not last long. We are by no means in a state here to do without an efficient head. I have already written to you frequently upon this subject, and every day that passes confirms me more and more in my opinion of the perfect incompetence of the present Establishment to carry on the Government with energy or with advantage. The Colony is at present at its very lowest ebb, and something must be done to alter the system in toto. The report of the Commissioners of Enquiry when acted upon will I trust do much good, but how we are to get on till that event takes place I cannot make out.

Almost every single Department under this Government is in a state of total incompetence to carry on its business. In the Court of Justice, the Chief Justice threatens to resign, indeed has actually done so. The second member of the Court has been unable to attend to his duties for many months, and the others have little weight, or are incompetent.

In the Court of Appeal I have already stated to you that the Governor alone decides in civil cases, without any assessors, and assisted only by a Secretary, in whom he places no confidence.

Our Audit office is a perfect farce, and does more harm than good, as it gives a semblance of sanction to what is really never fairly investigated into.

The office of Captain of the Port is as bad. The chief is Mr. Blair, Collector of Customs, who makes a sinecure of it, while his Deputy, an old man of upwards of 70 years of age, is quite superannuated, and our commerce is at the same time dwindling to nothing from the bad character of the Port, for no other reason that I can make out but the want of an effective Port and Pilot Establishment, upon which some confidence can be placed.

In the Sequestrator's office, the arrears are so great, and the business in such confusion, that the whole community are up in arms against it.

In the office of Inspector of Lands, the situation in which Mr. D'Escury still remains, as to his attack upon Lord Charles, renders his services nugatory.

Some of the Landdrosts too and the Government Residents are so overwhelmed with debt, and so involved in their circumstances, as to render them anything but respectable in the eyes of those placed under their power and authority.

Besides these, a number of other offices, not of any consequence excepting as swallowing up a great portion of the revenue, are held by Military officers belonging to Lord Charles' staff, and by other sinecurists, as you will perceive by looking at the Blue Book, and to wind up the whole of this melancholy concern, the Burgher Senate, which is one of the most important branches of the Colonial Administration, is in such a state of absolute nonentity that it has become the laughing stock of the place, and the Government money entrusted to it is squandered away without authority or control.

I fear however I shall tire you with my constant complaints, I think it my duty to make them, and must beg your early attention to the following wants :—

1st. A new Auditor or Assistant Auditor to check our accounts, which are now without any real check at all.

2nd. A new Captain of the Port, a Naval man, and an active and intelligent one, otherwise we shall lose all our commerce from the exaggerated statements of the danger of our Bay and Coasts.

3rd. A Civil Engineer, with an establishment of artificers, to keep down the heavy contingent expenses in repairs and erections of public buildings, which carry away more of our

money than all the other contingencies in the Colony, and which for some years to come cannot be avoided. We have already appointed Capt. Hope of the Artillery Superintendant of Government Buildings, but in him we have only got a gentleman, which places us in a better situation than we were before with Mr. Jones, but we want a professional man, an architect, and a man well versed in the expense of building. This is the great point we have to look to in the way of constant annual expenditure, and being a necessary expence, the only security will be in having a competent person to superintend it.

4th. That the Cape Corps, whether it be eventually paid from the Home or Colonial Treasury, may receive its pay, allowances and rations thro' the Commissariat Department, as the King's Regiments do, and that whatever sum we are to pay towards it should be paid in a round sum of money every 6 or 12 months, to the Military chest.

I have no doubt that the Commissioners of Enquiry will touch upon all these points, and to them would I willingly leave them, were I not afraid that we shall be all ruined before their Report can be received and acted upon.

I am doing all I can towards amelioration, but I get on very slowly. We are now carrying one good measure into effect, the division of the Police from the Fiscal's Department, but here again it is only the system we shall improve, the men are still incompetent.

As to the Burgher Senate, I have proposed to Lord Charles and to the Commissioners to place at the head of it, for two or three years, Capt. Stockenstrom the Landdrost of Graaff Reinet, who is universally allowed to be the most intelligent Dutchman and the best man of business in the Colony. He is one of the very few men here who could bring that chaos into anything like order, but I fear I shall not succeed in my plan.

As to our unfortunate port, I have done everything in my power to recover its credit, by ordering depositions to be taken of all accidents, shipwrecks &c., and I shall send home by this opportunity, if possible, a return for last year, which I think will shew that the losses have not been occasioned by local difficulties or local situation. We have had a recent loss in the *Mulgrave Castle*, a ship of 450 tons, which ran ashore nearly upon the race course one fine calm starlight night, close

under the Light House, the Captain supposing he was three miles from the Light House and in the anchorage, but they have also found out another excuse for this gross ignorance : they say the Light House is ill placed.

To settle this point I have begged the Commodore to allow the surveying squadron now here to survey the whole of Table Bay, and to report upon the Light House &c., and if we can get an active professional man as Captain of the port and a few pilots in one of our Government vessels who would be better employed in that way than at Port Elizabeth or Port Frances, we should I trust in a great degree recover the character of our Port. What would completely effect it, would be for the Admiralty to order one, if not more of their Men of War, small or large, to lie the whole winter in Table Bay. Each of the vessels which have been wrecked might have been easily saved had there been a man of war or a good Port establishment with Boats, anchors &c., at hand, ready to assist them, and all the Naval Captains say there can be no danger in a man of war lying the whole season in Table Bay. In fact they seem to think Simon's Bay much more dangerous, as scarcely a vessel enters without having met with or narrowly escaped some danger in coming in.

I wrote to you some time since about the Orphan Chamber. I now send an explanatory statement of balances. I have since proposed to the Chief Justice, who is President of the Orphan Chamber, that it should pay its own establishment, but I wish you would reflect on the impropriety of allowing so large a Capital to remain under the control of a few individuals.

As to the Chief Justice, he has sent in his resignation, but will still continue to act. I hope and trust you will take advantage of this proposed resignation, and send us out a new Chief Justice without delay. He might sit in the Court of Appeals until the new Charter with the English language be promulgated and enforced. By this means he would learn a good deal of what was going on in the Colony before he took his seat on the bench, and the present Chief Justice, if he chose to retire, might then be more easily spared.

We want very much here a Commissioner of Land Revenue, as we had in Ceylon, by which appointment the office of In-

spector of Lands and Receiver General of Land Revenue might be easily dispensed with. We could also do away with the Wine taster's and the Wharf Master's offices, if we could but get rid of the present occupants.

I hope you will let us know as soon as possible the decision of Government relative to the remonstrances against the ordinance of the 6th June last fixing the Rixdollar at Eighteen Pence. The grand petition goes home by this opportunity, but I trust you will have long before received the copy of it I sent you via St. Helena several weeks ago.

As to our finances, we are perfect bankrupts, and it is needless to conceal it, as we have not enough to pay our own salaries, I have already stated to you that there are only two ways of balancing our revenue with our expenditure, either that the Cape Corps should be defrayed from the Military chest, or that it should be much reduced, and all the sinecure places done away with, and a rigid system of economy introduced. And even in this case the Government at home would have to pay for our public buildings, churches &c. Our present establishment of Churchmen and Schoolmasters is beyond what the Colony can bear, and yet we are constantly applied to, and have occasion for many more.

You must do something for us at home, and I only hope that the Report of the Commissioners of Enquiry will render palatable in the House of Commons that assistance which is absolutely necessary to be given to us in one way or another.

You will find the expenditure of this year extremely heavy, because I have done everything in my power to get all the outstanding accounts settled. On my arrival here the Government was indebted for years past to workmen employed on the public works, all of whom had had advances from the Treasury, so that in fact when we appeared by our annual accounts sent home to have a balance in the chest of from twenty to thirty thousand Pounds there was scarcely one shilling, the whole being absorbed in temporary warrants for services not regularly brought to account. You must therefore not be surprized at seeing a very heavy expenditure this year.

I have &c.

(Signed) RICHD. PLASKET.

10th October.

Since writing the above, the *Espiegle* has been detained by Lord Charles to enable him to send home as much as possible of the refutation to the charges of Bishop Burnett, Pringle &c. The *Alacrity* and the *Triumph* have since arrived from England, and Lord Charles has received letters from his own family, but not a line has reached him from Downing Street. He therefore remains quiet here. We have just heard of the appointment of a Lieutenant Governor for the Eastern Districts of this Colony. If he be a sensible man, it cannot but be attended with great benefit, but a change in the Court of Justice is what we most require here.

R. P.

[Original.]

Letter from the SECRETARY TO GOVERNMENT *to* R. WILMOT
HORTON, ESQRE.

COLONIAL OFFICE, CAPE OF GOOD HOPE, 28 September 1825.

SIR,—I have the honor to inform you, that in addition to the one Hundred and Fifty Half Aums of Constantia Wine forwarded to Earl Bathurst by His Majesty's Ship *Andromache*, Seventy-five Half Aums are now under dispatch to His Lordship's address, Fifty of which have been embarked on board His Majesty's Brig *Espiègle*, and the remaining Twenty Five will be forwarded by His Majesty's Sloop *Ariadne*.

I have the pleasure to add that this Wine is reported to be of a very superior quality. I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

[Copy.]

*Letter from MR. D. VAN REENEN to CAPTAIN HARE,
Aide de Camp to the Governor.*

BREWERY, 28th September 1825.

SIR,—In answer to your enquiry made by desire of His Excellency the Governor whether the Breeding of Horses has been a profitable speculation to my Father since the purchase of English Stallions, I have the honor to inform you that my Family were known to have been the first breeders of Horses in the Colony, and consequently likely to pursue the best method. But about nine years since we thought it expedient to purchase two English Stallions, since which our annual profit from breeding horses has been two thirds greater. In proof of the benefit derived by the introduction of English Blood Stallions, allow me to inform you that breeding of Horses is now a more lucrative employment than any other description of Agriculture, as will appear by my Father's giving it the preference, though his Estate enjoys every advantage which can render it eligible for the other kinds of produce, not only on account of its soil but also from its contiguity to Port Beaufort, by which no land carriage expenses are incurred. The following extracts from my books will serve to verify my assertion.

1824. Sold 6 horses at 4000 Rds., 2 at 850, 1 at 850, 1 at 800, 2 at 1000, 1 at 750, 2 at 900, 21 at an average of 250 Rds. each, in all 36 Horses for Rds. 14,400. Average for 36 Horses previous to the introduction of the English Breed Rds. 5400.

I have, &c.

(Signed) D. VAN REENEN.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to G. HARRISON, ESQRE.

DOWNING STREET, 29th September 1825.

SIR,—I am directed by Earl Bathurst to transmit to you two dispatches Nos. 183 and 184 which have been received from

the Governor of the Cape of Good Hope ; the former transmitting a Petition addressed to His Majesty by a Committee representing the Freeholders and Inhabitants of that Colony convened for the purpose of taking into consideration the operation of the Ordinance of the Governor for establishing the British Metallic Currency as the Circulating Medium of the Colony, and the latter enclosing the Proceedings in Council upon the subject.

I likewise transmit a letter which has been received from the Commissioners of Enquiry containing observations which have occurred to them in the consideration of the above measure, and I am to request that you will lay these Papers before the Lords Commissioners of His Majesty's Treasury for their Lordships' consideration. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from THOMAS PRINGLE, ESQRE., *to the* COMMISSIONERS
OF ENQUIRY.

BAVIAANS' RIVER,
DISTRICT OF SOMERSET, *September 29th 1825.*

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 16th instant, in which you call upon me to state the grounds upon which in my address to Earl Bathurst I have imputed hostility to the Governor on account of my having come forward to furnish information to you of various flagrant abuses ; and further you desire to be informed in what manner I conceive that the communications addressed to you by me could have transpired or reached the Governor, or even the knowledge of the fact that I had made such communications.

In reply to the first query, I freely avow that I am not in possession of *positive evidence* (or at least of such as I am at liberty to bring forward) to prove that any part of the Governor's hostility to me arose from resentment of my communications to you. I did, however, receive repeated hints and warnings from a confidential quarter which distinctly impressed such a

conviction on my mind, a conviction not diminished by the difficulty of accounting upon other grounds for the *extreme* violence and inveteracy of his Excellency's *avowed* hostility towards me.

In regard to the second point I beg to say that I never for a moment conceived, and assuredly never in any shape insinuated, that the slightest intelligence respecting my communications to you could have transpired from *your* office. However imperfectly acquainted with the precise nature or objects of your commission, such an unworthy suspicion never entered my brain ; nor do I apprehend that you now mean to impute to me any such suspicion or insinuation. I find no difficulty, however, in conceiving how some intelligence (however vague or inaccurate) of my communications to you may have reached the Governor through other channels.

For example, one of the first matters I submitted to your notice was the affair of the Tulbagh Drostdy and the abuses connected with it. The principal evidence referred to by me on that occasion was my relative Mr. Heatlie, and I was consequently requested by a note from Mr. Gregory to attend at your office on the 9th of August 1823, and to bring Mr. Heatlie with me. I did so. Your office was at that time in Government House, and the entrance hall and lobbies were generally reported to be beset by spies of the Colonial Government, who noted the names of those who attended at your office, and employed every art to fish out the nature of their business. I am not, of course, prepared to *prove* the truth of this report ; but as such conduct is not at all incongruous with the ordinary policy of Lord Charles Somerset's administration (of which I shall ere long furnish you with some additional illustration), I have always considered that report as sufficiently probable, and the rather, as I had myself frequently seen about that time one of his Excellency's Aide de Camps or else Mr. Wm. Jones (commonly considered to be Oliver the spy) prowling about those lobbies. You may perhaps recollect, Gentlemen, the extraordinary sensation occasioned at that very period by exaggerated rumours of Mr. Heatlie's communications to you, the threats of the Government to prosecute him for calumny, &c., &c. It is not my business to say who was to blame in giving rise to such rumours ; *I* was not. But that my agency

in bringing Mr. Heatlie before you was suspected by the authorities, I have strong (though *confidential*) grounds for believing.

Nor was the Governor's knowledge or suspicion of my communications to you confined, as I apprehend, to this particular occasion. My appeal to you about the Search Warrant was of course well known, I made no secret of it myself; I saw no cause for being silent on that occasion; my reputation was assailed, and I courted investigation and publicity in my own defence. I remember of meeting Mr. Whitefoord His Excellency's late Aide de Camp in the anteroom as I left your office that day. I know moreover that Lord Charles was aware of my interview with you on the subject from a different source, and, if I may credit my informant, he expressed himself in no very gentle terms in regard to my conduct on that occasion.

It seems unnecessary to say more. It is sufficiently certain that Mr. Heatlie, Mr. D'Escury, and others, the subject of whose communications to you have transpired, through whatever means (without any imputation certainly being attached to your office), have become objects of Lord Charles's implacable resentment. My reference to you on the subject of the press, the placard, and the Literary Society, I have never anxiously concealed, though the precise *nature* of my communications to you on these subjects was of course confidential. I conceived that I was fully warranted to apply to you on these subjects, or any other in which either my own interests or those of the public were involved, and that even my open avowal of having done so, had I openly avowed it, ought neither to have excited personal hostility nor provoked persecution from his Majesty's representative.

These remarks will I trust sufficiently explain the grounds upon which I have ascribed hostility to the Governor on account of my communications to you, and the nature of the channels through which I conceive the knowledge or suspicion of such communications to have reached him. I have &c.

(Signed) THOS. PRINGLE.

(Original.)

*Letter from MAJOR GENERAL BOURKE to R. W. HAY, ESQRE.*75 WIMPOLE STREET, *September 30th 1825.*

SIR,—I have the honor to enclose for Lord Bathurst's information a memorandum put into my hands by the Rt. Revd. Dr. Poynter. Conceiving that some time may be saved by bringing the matter at once under Earl Bathurst's notice, and as His Lordship may perhaps choose to send out to the Cape some instruction on this subject by me, I have thought it right to comply with Dr. Poynter's request to lay the enclosed before his Lordship. I have &c.

(Signed) RICHD. BOURKE, M. General.

[Enclosure in the above.]

Previous to the capture of the Cape of Good Hope by the British forces under Sir David Baird there were three Catholic Clergymen at the Cape, two of whom were supported at the expense of the Dutch Government.

All the three Catholic Clergymen were sent to Holland, together with the Dutch Garrison, when the Cape was taken possession of by the English.

In the year 1818 or 1819 Earl Bathurst allowed a Catholic Priest, the Revd. Mr. Scully, to go to the Cape, who for his spiritual powers was dependent on Bishop Slater residing at the Mauritius. Mr. Scully complained much of a deficiency of the means of subsistence. He has now left the Cape, and left 1300 Catholics (of whom 500 are soldiers) in Cape Town, besides 4000 Irish Catholics in the interior of the country, without a Pastor, without religious instruction, and deprived of the comforts of Religion. A medical gentleman, a resident of Cape Town, Mr. H. B. van Horstock, is lately come from the Cape to Holland in search of some Catholic Clergymen. He has found one, the Revd. Mr. Wagenaar, well recommended, and is preparing to return with him immediately to the Cape.

Considering the number of Catholics at the Cape, and the nature of the spiritual Ministry of the Catholic Church, in

instructing Individuals, and in attending the sick and dying, it appears that there should be more than one Priest in that place.

The undersigned entertains a hope that by the kind recommendation of His Excellency Major General Bourke His Majesty's Government will take this subject into its consideration, and will be graciously pleased to make a suitable allowance for the support of at least two Catholic Clergymen at the Cape, as the Dutch Government did formerly, in consideration of the number of Catholics in the Garrison.

(Signed) † WILLIAM POYNTER, Vic. Ap. Lond.

4 CASTLE STREET, HOLBORN, *August 24, 1825.*

[Office Copy.]

Memoranda of Arrangements for MAJOR GENERAL BOURKE on his proceeding to the Cape of Good Hope.

Lord Bathurst having generally approved of the suggestions on matters of finance contained in M. Genl. Bourke's letter to Mr. Secretary Hay of the 27th inst., His Lordship has proposed to write a letter to General Lord C. Somerset on the subject, which will also be the rule of M. Genl. Bourke's conduct in the event of his being left to administer the affairs of the Colony, and it will therefore be desirable that M. Genl. Bourke should have a duplicate or copy of that letter.

Lord Bathurst having also approved of the proposal made by M. Genl. Bourke of drawing on the British Treasury for any sum that may be absolutely required for discharging the arrears of Pay (if any) due to the Civil Servants of the Colony, such sum to be taken as a loan only, and the amount to be repaid as soon as possible out of the Colonial Treasury to the Assistant Commissary General at the Cape, it will be desirable that M. Genl. Bourke should have a separate letter authorizing him to adopt this measure ; such letter to be used or shewn only if the urgency of the case shall require it, on M. Genl. Bourke's being left in charge of the Government.

M. Genl. Bourke conceives it will be advisable that he should take out with him under the King's sign manual his Commission as Lieutenant Governor of the Eastern District of the Cape, with authority to succeed to the Government of the Colony in the event of the death or absence of the Governor for the time being. When on the final division of the Settlement into separate Governments a Commission with more ample powers may be required, it may be forwarded from home and exchanged for the former. In the meantime M. Genl. Bourke's instructions may limit the exercise of his powers in the Eastern parts of the Settlement to the inspection and survey of such of its provinces as he may think necessary.

When Lord Bathurst shall have had further time to consider the subject, M. Genl. Bourke will be glad to learn how far his ideas as submitted in his letter of the 27th inst., with reference to the extent and revenues of the Eastern District are approved by His Lordship, as without some general notion of the wishes of Government on this head, M. Genl. Bourke's Reports from the Country and his projects for the establishment of the separate Government might be too wide of the mark, and might create lengthened discussion and considerable loss of time.

It will be advisable that Lord C. Somerset be directed to issue M. Genl. Bourke's pay and that of his Aide de Camp quarterly from the 16th of August last, together with the Rent of a furnished House in or near Cape Town for M. Genl. Bourke's use. His pay has been fixed at £3,500 per annum sterling. The Aide de Camp's is 10s. a day. It will be desirable that M. Genl. Bourke should have a duplicate copy of that letter.

Previously to embarking M. Genl. Bourke will have to request Lord Bathurst's sanction to an advance from the Agent here of a quarter's Salary. Considerably more must be due to Genl. Bourke on his arrival at the Cape, when the amount of the advance shall be immediately made over to the Assistant Commissary General there.

September 30th 1825.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. BLAIR, ESQRE.

DOWNING STREET, 30 September 1825.

MY DEAR SIR,—With reference to the arrangement by which you were expected to remunerate the Captain of the *Helicon* for your accommodation during your passage to the Cape of Good Hope on board that Ship, I beg to acquaint you that the usual allowance in such cases, and that which you will probably be expected to pay, amounts to the sum of Seventy Seven Pounds, which includes a Provision for a reasonable number of Servants.

It will therefore be advisable that you should pay this Sum into the Treasury in order that it may be issued upon the authority of the Lords of the Admiralty to Captain Aeland of the *Helicon*. Believe me &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. A. HANKEY, ESQRE.

DOWNING STREET, 30 September 1825.

SIR,—With reference to your letter of the 14th October last year, transmitting the Memorial of the Reverend John Philip, Superintendent of the Missions of the London Missionary Society in South Africa, together with the documents referred to therein ; and also a letter to Dr. Philip from the Commissioners of Enquiry at the Cape of Good Hope : I am directed by Earl Bathurst to acquaint you that in pursuance of instructions which were transmitted to Lord Charles Somerset on the subject, his Lordship has authorized the Lands prayed for by Dr. Philip to be given over to the Superintendent of the Missionary Society at Bethelsdorp, Mr. Kitchingman, for the use of the Hottentots of that Institution. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to SIR RUFANE DONKIN.

DOWNING STREET, 30 September 1825.

SIR,—I am directed by Earl Bathurst to transmit to you copies of a dispatch and of its inclosures which have been received from Lord Charles Somerset respecting certain advances made from the Public Treasury of the Cape of Good Hope, under your verbal authority, during the period you administered the Government of that Colony, and upon which the late Colonial Secretary Colonel Bird has expressed his inability to give any explanation : and I am to request that you will transmit, for his Lordship's information, the necessary explanations respecting the grounds upon which you considered it expedient to authorize this expenditure, amounting to the sum of Three thousand seven hundred and seventy three Rixdollars, One Skilling and four stivers. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to J. W. CROKER, ESQRE.

DOWNING STREET, 30 September 1825.

SIR,—I am directed by Earl Bathurst to transmit to you for the information of the Lords Commissioners of the Admiralty copies of two letters which have been received from Mr. Knox, respecting the formation of a safe and commodious Mole or Harbour within Table Bay at the Cape of Good Hope, together with a Plan thereof with its accompanying explanation : and I am to request that you will favor me for the information of his Lordship with any observations which the Lords of the Admiralty may think necessary to make thereon. I am &c.

(Signed) R. W. HAY.

[Original.]

*Report of the COMMISSIONERS OF ENQUIRY to EARL BATHURST
upon a proposed Chartered South African Company.*

CAPE OF GOOD HOPE, 30 September 1825.

MY LORD,—Having taken into our consideration the proposal that has been submitted to your Lordship by several respectable Individuals for the establishment of a Commercial and Agricultural Company at the Cape of Good Hope and the directions contained in your Lordship's Despatch of the 20th April to report upon the expediency of making the concessions that are considered necessary to its success as well as the correctness of the views that have been taken of the natural resources of the Colony and the returns that they may be expected to yield under a judicious system of management, we have the honor to submit to your Lordship the following observations.

Without entering into the causes of the disappointment with which former schemes of emigration to the Cape of Good Hope have been attended, we cannot help remarking the advantage that the present one holds out of being supported by an adequate outlay of capital; for altho' the climate and soil of this Colony may be considered generally favorable to the cultivation of grain and to the production of fruits, yet it would be an error to suppose that artificial means and those of an expensive kind are not required to promote and assist them. The principal supply of grain is derived from a district that enjoys the singular advantage of a strong and fertile soil, a climate less subject to the calamity of continued drought than that of the other Districts, and a great facility of access to the principal market. Here however, as indeed in most of the other Districts, it will be found that the best situations are already occupied, and that in those that remain a greater degree of exertion and a greater expenditure of capital will be required to place them upon a level with the lands of the older occupiers.

With reference therefore to the first question proposed for our consideration, we apprehend that the object of the association as far as regards the cultivation of grain and production of fruits, in which we may include that of the olive, must

necessarily be limited to the acquirement either of such places as they may be enabled to obtain by purchase, or by the grant of such Tracts of Land as are favorably situated with respect to market and soil but stand in need of artificial assistance to render them productive and profitable.

This assistance will be found principally to consist in the discovery and opening of springs of water, and in the application of all the customary and expensive means of preserving, conducting and distributing it, whether derived from new sources, or from the natural and scanty supplies that the Country affords. The difficulty of leading out water from the depressed levels of the beds of rivers and rivulets, and securing a supply during the droughts of summer, may be considered as generally inherent in all Tracts of the Colony, whether appropriated to the purposes of cultivation or the rearing of cattle.

The Districts that are situated between the mountains and the sea are fertilized by copious rains in the Winter Season, and they constitute the only exception to the general want of moisture which prevails throughout the Colony, and which in the interior and elevated Districts renders extensive Tracts entirely barren, except where the Land can be irrigated ; it is then found to be peculiarly fertile.

We have had occasion to observe that the Tracts of Land that are most favorably situated with respect to Market are already occupied ; and the Possessors of them are generally persons who by economy, and occasionally profiting by the high prices of grain, have been able to construct large and substantial dwellings, and may perhaps be found unwilling to dispose of their property without a premium. From the want of regular and acknowledged means in the Colony of employing Capital, and from the obligation which the Law imposes upon parents, of making an equal division of their property in favor of their children, it has been usual in most transfers of land, or divisions of inheritance, to leave a considerable portion of the purchase money on the mortgage and security of the estates and buildings, in cases where the parties beneficially interested in them give their consent. Immediate advances are therefore seldom required in the sale of land in the Colony ; and now that a fixed and permanent value has been given to the currency, which it did not possess in times antecedent, we

conceive that such stipulations will become of less importance to the seller.

We have no doubt however that the command of capital that the present proposal implies would greatly tend to facilitate negotiations of this nature.

With these Resources, detached farms may be purchased by the Company, and subsisting mortgages may be paid off, unless the mortgagees should be willing to submit to a reduction in the rate of interest, which is generally six per cent per annum.

We are not aware of the existence of any unappropriated Tracts in the vicinity of the Cape Markets, but some good farms might perhaps be purchased in the district called the Twenty-four Rivers, that would meet the object of the Company's speculation. It possesses the advantage of a good and tolerably even road of communication with Cape Town, and is distant from it only fifty miles.

It is to be observed however that the Districts in which the best corn is produced are not so favorable to the rearing of cattle or sheep, the Company therefore would find it greatly conducive to their interests to acquire farms possessing those advantages in the other Districts of the Colony; and where they might have opportunities of affording ranges of fresh pasture to their stock, and of adapting the different processes of agriculture to the perpetual variety that presents itself both of soil and climate in Districts that are not far distant from each other.

We observe that in the paper that has been submitted to Your Lordship, a desire has been expressed to obtain the Government Farms. It probably was not known to the Gentlemen by whom the paper was drawn up that the Government Farms, with exception of 22,000 acres that are reserved, are now under lease to individuals for the term of 28 years, of which 20 are unexpired.

It was considered expedient at the expiration of the former leases to let them by auction to the highest bidders, a competition, created by circumstances of a local and temporary nature, contributed to raise the rents much beyond their former rates, but the present Lessees have suffered greatly by the late unfavorable seasons, in many instances the rents

have been reduced, and those of a great proportion are now in arrear.

The whole extent of the Government Farms that are let on Lease may be estimated at 110,980 Acres, and they are generally well watered. The soil is light, and produces good herbage for cattle and sheep, but it is not so well calculated for the cultivation of grain. It is very probable that many of the Lessees of these Farms would be disposed to transfer their Leases at the present Rents ; but under the circumstances we have stated we do not think that the occupation of them would be attended with such advantage as to make them objects of preferable, or even of desirable acquirement.

From the foregoing statement, it will be immediately inferred that a judicious selection of detached farms in the districts of the Cape, Swellendam, Stellenbosch, and Tulbagh, will be much more likely to promote the views of the Company than the acquirement by grant of a large tract in any one spot from Government, even if such a concession were now practicable. Respecting the prices for which farms so situated may be procured it is difficult to speak with much precision. Their respective values differ not more from local circumstances than they do from the motives that lead to their alienation. It may however be stated that a full Loan Place, consisting of 6000 acres with buildings, may be purchased for 700 or 800 pounds sterling, and that lands of the same extent, and the tenure of which has been made perpetual on payment of a reasonable Quit Rent, may be purchased for 1200 to 1500 pounds sterling.

The observations that have been made respecting the Districts of the Cape, Stellenbosch, Swellendam and Tulbagh, apply equally to those of George, Uitenhage, and Graaff Reinet, with this difference however in the former, that any increase in the quantity of land cultivated in grain must depend upon the increased facilities that may be given to the transport of it by means of improvement in the principal inland communications, and the encouragement of the Coasting Trade ; while in the latter the expence of transport by land must continue to check the cultivation of grain, except for domestic use.

In the Districts of Tulbagh, Graaff Reinet, and Swellendam, extensive tracts of land denominated Karroo, yet remain un-

granted, in which the natural fertility of the soil is exhausted, and the powers of vegetation suspended by the long continuance of drought and the scanty supplies of natural moisture. These tracts afford pasturage to sheep when that of the more elevated ranges of the districts called the Cold and Warm Bokkeveld and the Nieuwveld suffer from the frosts of winter. We are not aware that any artificial means have yet been tried to discover springs of water; or to secure a sufficient supply for the purposes of irrigation by collecting the rain that falls in showers during the Summer Season; but from the remarkable effects that have been produced by that process upon land of exactly similar quality, and situated nearly in the same latitude, little doubt can be entertained of the extent of its productive powers when thus brought into action. We should therefore feel no difficulty in recommending to the Company to direct their attention to the occupation of these tracts, and we think, with a view to the encouragement of the undertaking, a grant of not less than 20,000 acres may with propriety be made to them, exempted from the payment of Quit Rent for a period of 15 years. We should further recommend that in determining the Boundaries of such a tract, it might be considered sufficient to designate them by the direction and bearing of such natural objects as present themselves on the surface, and thereby spare the heavy expence as well as the delay which is found to attend the surveys of extensive tracts of waste lands, executed in the detailed form that the present regulations require.

Our observations have hitherto applied to the proposed acquirement and occupation of land for the purposes of cultivation, we proceed to offer a few remarks upon the other objects proposed by the Company.

The rearing and feeding of stock in the Colony has we believe at all times been attended with greater, and more certain profit, than the cultivation of grain; and the great extent of pasturage that until lately has been available to proprietors of stock in the Frontier Districts has enabled them to support and increase their numbers, and to defy the influence of continued droughts and unhealthy pasturage during certain seasons of the year, as well as the frequent depredations of wild animals. The number of horned cattle and of young horses that perish from these causes is very

considerable, and those who wish to protect themselves from their constant recurrence must resolve to incur the expence of providing effectual shelter for their cattle both at night and in the winter ; and also better food during the Seasons in which the natural pasturage in some situations becomes deleterious and destructive. The storms of rain that have occasionally occurred have been also greatly destructive of sheep, which are left without shelter, in open kraals or fenced enclosures.

We are aware that these precautions are not deemed necessary by the native Boers, and it is probable that their prejudices in favor of their own system will render them blind to the gradual approach of that period in which the increase of population and the operation of the law that is creating a perpetual subdivision in the property of Families will at last compel them to contract the ranges of their cattle, and to provide for them by raising artificial food and affording them effectual protection against the changes of season and other casualties to which they are now so much exposed.

The attention of the Boers has been hitherto confined to the multiplication of their stock, and the Frontier Districts of Graaff Reinet and Uitenhage that formerly comprehended the present District of Albany and part of Somerset, have been distinguished for the breeding and fattening of sheep and cattle.

Very large tracts have lately been granted in the Graaff Reinet District, and occupancies of land have been conceded beyond the boundaries of the Colony, principally with a view to the preservation of the Stock in the dry seasons. For reasons that we shall submit hereafter we forbear to recommend any extension of this system in the direction of Graaff Reinet, nor is it in our power to afford even an approximate view of the quantity of land that may be yet undisposed of in that quarter. The surveys of the intended Boundary of that District have been very recently executed, but they afford no means of ascertaining the quantities of land that are at the disposal of Government. On the Albany Frontier and between the Great Fish River and the Keiskamma, bounded on the west by the former and on the east by the sea, a large tract of land presents itself which we conceive is more likely to meet the views and to favor the agricultural objects of the Company

than any other in the Colony. It has hitherto received the appellation of the Neutral Territory, from the stipulation that was entered into respecting it between Governor Lord Charles Somerset and the Chief Gaika, acting on behalf of the neighbouring Tribes, who were accustomed to frequent it for the purposes of hunting, and also for supporting their predatory incursions upon the Lands situated to the south of the course of the Fish River, which had been regarded as the Boundary of the Colony ever since the effectual repulse of the Savage Tribes in the years 1812 and 1819. The terms of this Treaty were not reduced to writing, but from the recollections of those who took a principal part in it, we are led to conclude that it was agreed that the British Government should remain in military possession of it for the better protection of the old frontier line of the Fish River ; but that if it should be the policy of the Government to occupy it, the inhabitants should consist of Englishmen, and not of natives of the Colony or Dutch Boers. We conceive that it was in conformity to these intentions, subsequently confirmed in a short interview held between the Acting Governor Sir Rufane Donkin and the Chief Gaika in the year 1820, that the Settlement of Fredericksburg was made. For further explanation of these terms, we beg leave to add that it was considered to be very important, with a view to prevent the uncontrolled expeditions of the Boers against the Caffre Tribes, and to suppress the spirit of violent retaliation of mutual injuries with which both were excited, to interpose a considerable space between them, and thus prevent the chances of contact with each other. The failure in the system of military defence of the new Frontier, or rather the impracticability of rendering that system efficient by means of constant Patroles upon such an extended line of Frontier as that of the Keiskamma, has exposed the habitations of the Boers situated within the boundary line of the Great Fish River to frequent depredation ; and at the detached settlements of the Baviaan's River, the collisions of the Boers with the Caffres have at times threatened a renewal of the ancient hostilities. Their old animosities therefore against the Caffres cannot be said to be extinguished ; and the failure that attended an unauthorized expedition of some Boers in the neighbourhood of the Winterberg against the Caffres in

the year 1822 has tended to rekindle in them a desire of revenge, which only waits for opportunities of gratifying itself.

Until a very recent period, the terms of the stipulation with Gaika had been respected as far as regarded the occupation of the Neutral Territory by the Inhabitants, with one exception that was made during the Government of Sir R. Donkin in favor of Captain Stockenstrom, now Landdrost of Graaff Reinet, who received a grant of 10,000 acres of land that is situated upon a declivity of the South Eastern sides of the range of hills called the Kakaberg. We have, however, very recently understood that Governor Lord Charles Somerset has ordered lands to be measured in the space that lies between the Little Fish River and the Koonap River for several native Boers, inhabitants of the neighbouring district of Bruintjes Hoogte and the Kakaberg, who applied to him for additional grants in his late visit to the Frontier Districts. Whatever may be the claims of those persons upon the liberality of the Government, for the cheerfulness with which they have contributed their personal services in conjunction with the regular Forces in various expeditions against the Caffre Tribes, or in repelling their incursions, we feel great difficulty in reconciling the measure with the terms and spirit of the stipulations entered into with the Caffre Chief, and the principles of policy that wisely dictated the separation of his Tribes from the land of their hereditary and inveterate enemies, the native Boers ; and that proposed to substitute for them the more kindly and unprejudiced feelings of a British population.

We apprehend that the Tract that we proposed to point out for the occupation of the South African Agricultural Company will by this measure be diminished, and some very desirable situations, in which English Capital might have been successfully employed, will be placed in the hands of a description of persons not likely to make the best use of them. We feel moreover that we ought not to omit the mention in this place of a circumstance that materially affects the view entertained by your Lordship respecting the prohibition of Slave Labour on all lands in the Frontier Districts, and especially those in which an intercourse, hostile or friendly, may be expected to take place between the Inhabitants of the Colony and the Savage Tribes situated beyond the Frontier.

We understand that it is intended to omit the prohibitory clause in the new Grants that are preparing for the Boers in the portion of the neutral territory that has been measured for them ; and we shall hereafter have to make a special statement to your Lordship of the circumstances under which this clause was omitted in the Grant made by the Acting Governor, Sir Rufane Donkin, to Captain Stockenstrom, altho' dated two months subsequent to the receipt of your Lordship's Despatch that required it to be inserted. At present we are compelled to acknowledge that if the intention that has been expressed in favour of the Boers is to be carried into effect, we shall see grounds of just apprehension for the fate of any other measure that may be calculated either to prevent an illicit traffic in slaves or to provide for the gradual extinction of slavery.

There is yet another point that we feel it necessary to submit to your Lordship, previous to the recommendation of the remaining part of the Neutral Territory for the occupation of the South African Company.

Altho' in the Treaty with Gaika, made in the year 1817, it was understood that the Territory then called neutral should ultimately be occupied, yet we believe that the measure was not considered by Lord Charles Somerset to be either safe or expedient, until a change should be observed to have taken place in the habits and dispositions of the Caffres ; under this impression, and subsequent to the receipt of your Lordship's letter enclosing the proposal of the associated members of the South African Company, we thought it necessary to request an explanation of the views entertained by Lord Charles Somerset respecting the disposal of this Territory, and of what might have been the result of His Lordship's observations during his late visit to the Frontier upon the expediency of occupying it.

We have the honor to enclose a copy of the letter in which His Lordship replies to our request ; and as we do not find any reason assigned in it for the inexpediency of the measure of occupying the Territory, or for the exception that his Lordship has thought fit to make in favor of the Boers of Bruintjes Hoogte, we feel it incumbent upon us to state to your Lordship the reasons upon which we venture to maintain a contrary opinion upon both these points.

The plan of interposing an unoccupied space of country between the line of the British Settlements in Albany formed by the emigrants who were located there in the year 1820 and the Frontier of Caffreland had failed (from the causes we have already mentioned) to produce the expected benefit and safety to the new occupiers. Their cattle were driven off by the Caffres from the Locations in the night time, and concealed in the large bushy tracts that extend along the Banks of the Fish River, from whence opportunities were seized to drive them beyond the Keiskamma River, and to elude the Patroles that were ordered to watch the most frequented Passes. With the small Force placed under his command, Lieutenant-Colonel Somerset found it necessary to contract his line of defence on the Keiskamma River, abandoned Fort Beaufort, and judiciously concentrated his Force, and the range of his Patroles, to watch the most exposed points upon the Fish River. By means of great personal activity, and an unceasing employment of his force, in beating the Fish River Bush and watching the Passes, he succeeded in diminishing the extent and frequency of the Caffre depredations. Fort Willshire was then the only military Post that was retained on the line of the Keiskamma. It was suggested at the same time to Lieutenant Colonel Somerset to try the effects of a more conciliatory system with the Caffres ; and more especially to have recourse to the establishment of Fairs, to which, under special restrictions, they might resort and exchange their ivory, corn, and skins for beads or such other articles as they might fancy or select. The proposition was adopted by the Government, a Fair was established at Fort Willshire, and in our Report of the 25th May 1825 we stated the success that had attended the project, and the profits that had at that period been derived from the barter that had been established.

We have the honor to enclose a printed copy of the Regulations under which the Fairs have been held ; and we have received repeated testimonies of the cheerfulness with which they have been observed.

The great profits that were derived from the early interchanges of produce between the Caffres and the Retailers, for articles of trifling value disposed of to the former, have made them sensible of the importance of this new trade to the

District of Albany and to the Colony at large, while on their part the Caffres have not remained ignorant of the effect of competition and increasing demand for their produce, and have obtained a higher value for it in exchange.

The permission to the Inhabitants of the Colony to resort to these Fairs was at first regulated by licences, for which trifling Fees were paid ; but as it was found that the permission was abused by the introduction of a class of speculating adventurers from amongst the labouring and mechanical classes, it has been found expedient to issue new licences upon stamps amounting in value to eighty rixdollars, and renewable annually. We think that the success of these Fairs has had the effect of diverting the attention of the Caffres from the pursuit of those objects of plunder that have long rendered their neighbourhood so formidable ; and as the barter of Cattle has been judiciously prohibited, they have had no fresh inducements to multiply their stock by violent or clandestine means. We are not able to assert that instances of the plunder of Cattle by the Caffres have not occurred since the establishment of Fairs, nor that reprisals of a very objectionable nature have not been attempted both by the Boers and Settlers ; but the short experience of these Fairs has entitled us to state that a system of pacific and commercial intercourse is more likely to lead to the introduction of civilized notions, and a more friendly disposition amongst the Caffres, than the repulsive system that threatened them with destruction whenever they were seen upon the Neutral Land, a system that limited all their intercourse with the Colony to such as was of an hostile or clandestine nature, and excluded them from all the benefits that an occasional and partial departure from the system had taught them to appreciate. We are by no means apprehensive that in the event of our expectations of the future prevalence of more pacific and tranquil habits amongst the Caffre Tribes being disappointed, the system of defence of the Frontier would be weakened or impaired by the introduction of a respectable class of British Inhabitants into the Neutral Territory. We on the contrary maintain that from the experience of the effects of the combined exertions and vigilance of a Scotch Party of Settlers on the Baviaan's River, judiciously directed by one Individual to the protection of the property

of the whole party, a most effectual system of vigilant defence and mutual protection may be devised ; and that great support may be also afforded to the Military Force, whenever its interposition may be deemed necessary.

With these impressions, we have been led to consider that the proposal made to your Lordship by the Associated Members of the African Company, to introduce both capital and a respectable class of labouring population into the Colony, might (if directed to the occupation of this large unappropriated Tract of Country) be attended with all the advantages contemplated by Lord Charles Somerset when he suggested the project of the first Emigration ; and would be exempt from the difficulties with which the Emigrants upon that occasion had to contend ; and would afford the most rational prospect of making a permanent improvement in the relations of the Colony with the Tribes on the Frontier.

Without intending any reflection upon the Individuals composing the first Emigration, we do not think that these benefits could now be restored through their means. The loss of Capital that they have sustained, the sense of past injuries and disappointments, and the desire of indemnifying themselves for former losses at the expence of the Caffres in the Trade they carry on with them, would render the experiment very doubtful if entrusted to them. On the other hand, the combined exertions of a respectable body of men acting with one common object, and subject to the control of persons interested in the attainment of it, would in the present posture of the relations between the Caffres and the Colony afford every reasonable hope of giving them a permanent and pacific direction ; and by gradually superseding the recourse to military protection, would eventually relieve the Colony from the burthen that presses most heavily upon its Finances, the expence of maintaining the Cape Corps upon its present footing. With reference to these principles, upon which alone we conceive that the Neutral Territory may be safely and successfully occupied, we are utterly unable to account for the settlement of the valuable portion of it that has been recently allotted to the native Boers between the Great and Little Fish River and the Koonap. They are placed in a situation but a few miles distant from the pass by which the last and principal

attack upon the Caffres was conducted, by which access is afforded to a frequented and populous part of their Territory and the residence of the Chief Gaika. If by the settlement of the Boers in this position it is intended to secure their assistance against the Caffres in future expeditions for the sake of chastising them, or for making reprisals, we have only to add that such a System, however economical at the outset, only tends to perpetuate the evils and calamities by which the Frontier has been so long desolated, and which have been the primary cause of the great expences that have been incurred in the maintenance and employment of a large Military Force.

We do not think it advisable that the immediate sufferers by Caffre depredations should be employed upon occasions that are of all others the most likely to excite in them a spirit of indiscriminate vengeance, and that at the same time exempt them from responsibility or control. The dispositions of the Boers of Brintjes Hoogte are in this respect unchanged; and altho' we perceive that their settlement in the Neutral Territory is to be more compact than it was under the former system, by the occupation of smaller tracts of land, yet it is not made sufficiently so for the purpose of affording mutual protection against sudden attacks.

It has long been considered by some of the most intelligent of the Dutch Boers, and those most experienced in the conduct of Commandoes, that expeditions against the Caffres for the purpose of retaliation should be discontinued, as only furnishing to these savages fresh pretexts for more extensive plunder. No system is found to be so effectual in checking their enterprises as that which depends upon constant and vigilant protection of the objects of them. The habits of the Boers are averse to this system; and they are not unwilling to redeem the consequences of the careless exposure of their property by a few days of active service spent in retaliatory expeditions against the Caffres, by which in former times they were considerable gainers.

We are also unable to discover, in the exception that has been made by Lord Charles Somerset in favor of these individuals, any reasons of a local nature that would not equally, and perhaps more forcibly, apply to the occupation of the remaining portion of the Neutral Territory.

If the motive for placing the Boers between the new District of Somerset and the Caffre Territory was to afford protection to the Inhabitants of the former, with whom they are incorporated, it becomes an object of still greater importance to afford the same means of protection to the Frontier of the Albany District by the occupation of the Country that lies between that line and the Keiskamma, a tract of considerably greater breadth and comprehending a long line of Country covered with Bush and underwood that at once affords to the Caffres the means of concealment and of successful escape.

We venture to think that the mere occupation of such a Tract by well regulated and vigilant Parties of Agriculturists, sufficiently numerous to repel the predatory attempts of the Caffres, and placed sufficiently near each other for the purpose of mutual defence, could not fail to give efficient protection to the Settlements in Albany, and increase the check upon Caffre depredations. It was partly with this view that the establishment of Fredericksburg was made upon the Eastern Division of the Neutral Territory in the year 1820-1; and we have little doubt that if the Population of which it was composed had been of a better description, the expectations that were entertained of its success would have been realized.

We have thought it necessary to preface our recommendation of the Neutral Territory with these observations; both for the purpose of answering the objections that have already been made to the occupation of it by any description of Settlers at the present moment and also for enabling your Lordship to judge of the expediency of acceding, under a proper restriction, to the request that has been preferred by the South African Company for a grant of a large tract of land. We now proceed very briefly to describe its extent and the quality of its soil.

Upon reference to a map of the Frontier that we had the honor to enclose in our Report dated 25th May 1825, upon the address of the Settlers in Albany, and numbered 37 in the documents appended to that Report, your Lordship will find that the unoccupied Territory that now remains at the disposal of the Government extends from the River Koonap on the west to the sea-coast by which it is bounded on the east, including the military position of Fort Beaufort that has been recently abandoned, and having that of Fort Willshire nearly in a

central position on the Northern Boundary, which commencing at the Winterberg, and passing the Kat Berg, follows the course of the River Chumie, and afterwards that of the River Keiskamma to the Sea. The southern Boundary is formed by the course of the Fish River, the Banks of which, as we have before had occasion to remark, are covered with a thick and almost impenetrable Bush. The breadth of this tract along the sea-coast, and between the mouths of the Fish River and Keiskamma, is 25 miles ; at Fort Willshire, in its narrowest part, it is only six miles, and at the junction of the Keiskamma and Chumie Rivers it is 36 miles, and at Fort Beaufort 27. The length of the tract from the River Koonap to the sea is 72 miles ; giving a space the contents of which may be estimated at upwards of one million of acres of land. That part of it that lies towards the sea-coast contains we believe the best soil ; and the rapid progress that was made by the persons who settled even for a short period at Fredericksburg sufficiently attests its general capacities both for cultivation and for the feeding of stock.

The climate is warmer than in the other settled Districts of the Colony ; but on the sea-coast the natural pasturage is supported by a greater degree of moisture, and the sun's heat is tempered by the influence of the sea breeze. The Country is not well watered, and especially that which lies between the Kat and the Brak Rivers ; but its surface is very agreeably diversified, and admirably adapted for the purposes of agriculture. We are not aware that any portion of this tract contains good timber, altho' it may be found in the neighbouring mountains of the Chumie and the Kakaberg. The thorny mimosa appears to flourish in most places, affording both shade and shelter to cattle. The Fish River is fordable for waggons at six different places that are marked on the map ; and two of these passes stand in need of much improvement. It is navigable from the sea to the Upper Caffre Drift Post, at a depth of water varying from 11 to 15 feet, and for a distance of nearly 15 miles ; but the Western Banks of the River above the mouth are steep and encumbered with heavy brushwood.

The mouths of the Fish River and the Keiskamma resemble the outlets of most of the rivers of South Africa. Their channels are liable to great diversity of depth, as also to change of

direction in consequence of the great bodies of water that give strength and rapidity to the streams during periods of rain, and that force their passage through the sandy embankments which are thrown up during strong south-easterly winds at the entrance. From the sudden removal of these sands a greater depth and smoothness of water immediately succeeds, but is again reduced by fresh accumulations of sand, which the natural current of the rivers is not strong enough permanently to remove. Under circumstances of a very similar nature, and from the liberal encouragement afforded by the Local Government, the navigation of the entrance to the Kowie River has been rendered practicable for small vessels; and from late examinations of the mouth of the Fish River more sanguine expectations of the same result have been formed respecting it. From the Upper Caffre Drift Post on the Fish River to Graham's Town is a distance of about 25 miles; and from the mouth of the river it is about 50.

It is in this extensive tract that we think the views of the South African Company, whether directed to the cultivation of grain, the feeding of cattle or sheep, or the production of fruits, are most likely to succeed. The culture of the vine has hitherto been very partially tried in the New Settlement of Albany, but we have not heard that it has been checked by any peculiarity of climate from which other parts of the Colony are exempt. The European Fruits have been generally cultivated, and with great success. The recurrence of the blight, called the Rust, in the wheat crops during the last five years is a calamity not peculiar to this part of the Colony, altho' its effects have been more disastrous than in the other Districts. The English Settlers are sanguine in their belief that a peculiar species of the Bengal wheat which they have lately sown, and the stalk of which is pithy and the grain hard, will be found to resist it. Here however as in some of the other districts the crops of grain as well as of Indian corn must be supported by artificial irrigation.

As we observe that part of the Capital of the Company is intended to be applied to commercial purposes, and as it is of infinite importance that the trade that is now carried on with the Caffres should, for the present at least, be confined to persons of respectability, we have considered that this object

might be attained by conferring upon the Company an exclusive right of conducting it for the space of seven years from the date of their Charter. The profits derived from this Trade have been hitherto diminished to the Dealers, chiefly in consequence of the high price that the sudden demand for coloured beads had created. With a better regulated supply, the profit upon this Trade may be expected to be considerable, and also to increase in proportion to the demand that is already manifested by the Caffres for goods of a more substantial and useful description. The loss of this Trade will no doubt become a subject of complaint to those who have first engaged in it and have speculated upon its continuance; but an indemnity for this loss might be partially secured in the reserve of a certain number of shares to be disposed of in the Colony upon the terms at which they may have been originally offered to the public in England, and by the employment of the more respectable of the Colonial dealers as factors or agents.

With respect to the Traffic itself, we certainly agree in the propriety of locally confining it to Fort Willshire. The contiguity of that post to the boundary of the River Keiskamma, the presence of the Military Force that is stationed there, and the facility with which the movements of the Caffres are watched on retiring from the place of traffic to their own Territory, afford advantages which are of real importance to the success of the Fairs, and to the security of those who attend them.

The prohibition of the sale of firearms, ammunition, and spirits to the Caffres, is, we think, equally proper, as also that of the barter of cattle until the Caffres have imbibed a taste for articles of more real value than those which they at present receive.

We agree entirely in the propriety of adhering to the selection of the articles that are most desirable to exchange with the Caffres, and that are enumerated in the 11th article of the Proclamation of the 23rd July 1824. We understand that it is the intention of the Colonial Government to add iron to the list of enumerated goods, and we concur in the expediency of supplying them with an article which, tho' converted by them to hostile purposes, was not unfrequently the object of their

nightly incursions and plunder of the agricultural implements imported by the English Settlers.

When the demand for articles of ornament has subsided, it may be expected that it will be succeeded by a desire of possessing those ordinary implements of agriculture that have been in use at the Missionary Stations beyond the Frontier. We think that the prices of all such articles, as well as of those that are received from the Caffres, should be fixed at a rate that may afford a fair commercial profit to the Company, with the reservation of a right to the Government to grant licences whenever the supply of goods brought forward for sale by the Company should be so inadequate to the demand as to raise their price beyond such a rate, and that with a view of ascertaining it, the books of the Company should be open to the inspection of persons appointed by the Government to examine them. As the agricultural and commercial interests of the Company would be incalculably promoted by the civilization of the Caffres, we cannot suppose that a wealthy and respectable association would be drawn aside from their permanent views by the temptation of deriving a present gain from the taste of the Caffres for objects of no intrinsic value. This desire may govern the needy and impoverished dealer, but the Company will discover their real advantage in supplying these articles in such quantities as to depreciate them in the estimation of the Caffres and to lead them to an early perception of their intrinsic value and to a preference for objects of utility.

In this view we would recommend that the red clay which is procured within the boundary should be supplied to the Caffres gratuitously, or at a charge that would merely cover the expence of collection; it is used by the Caffres in painting their bodies.

The Caffres have long been desirous of opening a commercial intercourse, and have entered keenly into the spirit of it, and whenever they have learnt the habit of respecting the rights of property when it is transferred from their own hands to others, the traffic in cattle cannot fail to become a source of much advantage to the British Inhabitants, altho' we still think that the Caffre Tribes will find a difficulty in dispensing with a species of property that at once influences their civil condition in their own country, while it ministers essentially to their

daily wants ; such a barter might also stimulate them violently to dispossess other tribes of their cattle from the profits to be made of their plunder in the Colony. The purchase of hides has already led to a traffic with some remote tribes, which is understood to have been very gainful to the Caffres.

Great as the advantages of this intercourse may prove to the Company, we must not on the other hand conceal from the view of persons who are about to place their lives and fortunes within the reach of those uncivilized beings, the risks and dangers to which both may be exposed. The line of the Keiskamma affords but little natural protection against Caffre incursions, it must be found therefore in the vigilance and energy of those who settle within it, in the disposition with which their early or accidental meetings with the Caffres are conducted, in the hospitable reception that may be given to such as come for curiosity and not for plunder, and in the determination that may be evinced to claim indemnity for the plunder of cattle at the hands of the Caffres themselves, rather than to retaliate by force, and often without discrimination. This object would be much facilitated by a regular Treaty being made with the Caffre Chiefs, and which should be recorded with a solemnity which has not been observed in the verbal conferences that have been hitherto held with them. This Treaty should be drawn out in a distinct and intelligible form, and contain all the stipulations which it may be deemed necessary to enforce, and the Government agents residing with the Tribes should be furnished with copies which they should explain to the Caffres, and endeavour to impress them with the reciprocal advantages thus secured, and the expediency of adhering strictly to the terms. It will further be expedient that whenever the necessity may arise for compelling the Chiefs of a neighbouring tribe to do justice in the punishment of an offender, the claims should be enforced by means of the military and not by any armed body of Settlers.

The latter should never be called upon to leave their habitations for the purpose of offensive operations beyond the Frontier, but should be vigilant in the protection of their herds of cattle and ready to take their turn in the regular duties of the nightly watch. Flocks of sheep are in no danger from the plundering incursions of the Caffres, for they do not value them,

but they are constantly exposed, even in the day time, to depredation from wild dogs and wolves.

When once it is known to the Caffres that a system of vigilance and mutual co-operation in defensive measures is steadily maintained amongst the new colonists, we have reason to believe that their predatory incursions will be relaxed, and the persons in the employment of the Company will find it so much to their own interest to give support and efficiency to the system, that we do not think that the interference of the Local Government will be found requisite. The military force stationed at Fort Willshire, supported by the garrison at Graham's Town, will be sufficient to overawe the Caffre Chiefs; and the Government Agents will be watchful of the conduct of the Chiefs and Tribes; and if the system of justice and conciliation that we have recommended should be adopted and strictly observed by the native Boers located to the westward of the River Koonap, and of those settled at the Baviaan's River, the most reasonable expectations may be formed of the establishment of the tranquillity of the British Agriculturists throughout the Settlement.

We recommend that the whole tract of land ceded to the Company should be divided into parishes, but in all other respects, in the distribution of the farms, the selection of fit and appropriate places for villages, we propose to leave altogether to the discretion of the agents of the Company; and we are not aware that any other reservations to the Crown are necessary than that of an extent of two miles round the station of Fort Willshire, the right of building fortifications and erecting military posts for the defence of the Frontier, the usual reserve of building ground at the mouths of rivers that may prove navigable, and of making roads and bridges, the right to all mines and minerals, that of cutting the native timber that may be required for naval and military purposes, and that of assigning a certain portion of land not exceeding 1000 acres for the use of the clergyman that may be appointed to perform the clerical duties in each of the parishes into which the country ceded to the Company may be divided. From the nature and situation of the present enclosed barrack below Fort Willshire, we see no objection to the disposal of it to the Company as a *Depôt*, for which it is well adapted, if the

unfinished Fort on the adjacent hill should be completed for the accommodation of the Troops.

The Civil and Judicial Administration of the new Territory may, for the present, be conveniently placed under the jurisdiction of the Landdrost of Albany; and the Military Officer in command of the station at Fort Willshire may receive an authority to try all petty offences that are not punishable with more than two months confinement in gaol, or 25 lashes. We should propose that an annual salary of fifty pounds sterling should be allowed to the officer filling this Situation, and should be paid from the Colonial Revenues.

For the present we should not recommend that the occupiers of land in the ceded Territory should be permitted to pass the River Keiskamma into Caffreland, or that Caffres should be allowed to enter the Territory without passes from the civil authority of the District or from one or other of the Government Agents resident with the Tribes. The act of bartering with the Caffres, and receiving cattle from them, is declared by a Proclamation of Governor Van Plettenberg, dated 5th April 1774, to be punishable with confiscation, corporal punishment, or death, according to the discretion of the Court; and in the year 1823 reference was made to this, as well as subsequent enactments of Earl Macartney, and Sir John Cradock, in the first of which, after reciting the mischief that had arisen from the journeys made by inhabitants into Caffreland, it was forbidden that any person should settle, or permit his cattle to pass beyond the limits of the Colony, then declared to be the Great Fish River, under the penalty of confiscation and of being treated as disobedient subjects and banished. It was also ordered that any person who should pass the Limits under the pretence of hunting, or taking a journey into the Interior, without permission in writing from the Governor, should be liable to corporal punishment.

In the year 1820 the inhabitants of the Frontier Districts were prohibited by a Proclamation of the Acting Governor Sir Rufane Donkin from taking into their service, or harbouring, any male Caffre or Ghonaqua Hottentot, under a fine not exceeding 300 rixdollars for the first offence, and banishment from the District for the second; and in the year 1822 all kind of intercourse and traffic with the Caffres, except such as might

be permitted at Fairs or Meetings appointed by the Local Magistracy with the sanction of the Government, was declared in a Proclamation of Lord Charles Somerset to be punishable with a fine of 500 rixdollars for the first and second offence, and with banishment for five years from the Frontier Districts.

In the year 1823 it was deemed necessary to increase these penalties, in consequence of the alleged insufficiency of former ones to deter the inhabitants of the Frontier Districts from holding illicit intercourse with the Caffres ; and it was declared that it had become necessary to enforce the highest penalties of the Law, including that of death, that is denounced in the Proclamation of Governor Van Plettenberg. We are not aware that this denunciation has ever been put in force since the occupation of the Colony by the English Government, but pecuniary penalties have very recently been enforced against persons convicted of illicitly trafficking with the Caffres. On the other hand it has been deemed necessary to prevent the retention of the Caffres in the service of the Colonists under pecuniary penalties, and a military order issued in the year 1812, by which all Caffres found in the Colony are to be treated as enemies, and to be shot, still continues to be enforced by the Military Patroles, even in the neutral Territory. Altho' we think that it may be very desirable at a future period, with a view to establish social relations with the Caffres, to permit the English Inhabitants of the Territory, and perhaps of the Albany District, to avail themselves of the disposition that the Caffres have upon former occasions, and even now would be ready to evince, to enter into their service, yet we would not in the first instance recommend its adoption, or remove the present restrictions. With reference to the other Regulations, we should propose to continue those that restrain the intercourse and trade with the Caffres to certain fixed times and places, and to certain goods, but to repeal the Proclamation of Governor Van Plettenberg, as denouncing a penalty that is unnecessarily severe.

We think that the entrance or passage of the Caffres from their Territory to any part of the Country within the Keiskamma, or of the colonists into Caffreland, or into the country to be occupied by the Company, should be subject to the restrictions that we have already proposed ; and that the

enforcement of the military order should be restricted to cases in which the Caffres either make resistance, or are detected in the act of driving away cattle ; but that in all other cases in which they are found without passes on the western side of the Keiskamma and Chumie Rivers, that their lives should be spared, and that they should be deprived of their weapons, and corporally punished by order of the commanding officer, and then sent back to their own country.

In consideration of the risks and of the expense that must be incurred by the Company in transferring labourers of a respectable class from Great Britain to the Cape of Good Hope, and the difficulty that they will experience in making them adhere to their engagements of service upon any terms less favorable to them than to ordinary labourers of the same class in the adjoining districts, we are induced to propose that the lands we have pointed out for their occupation in the neutral territory should be exempt from the payment of quit-rent, that the inhabitants employed by the Company and generally their servants should be exempt from all other taxes for a period of ten years from the date of the grant.

Viewing the interest of the Company in the same light as that of an Individual, we do not consider it necessary to fetter them with conditions that would have the effect of binding them down to any specific mode of cultivation, or even to the employment of any number of individuals. The experience that may be gradually acquired by their Agents on the spot will be the best guide both as to the fertility and capacity of the land and as to the most advantageous mode of cultivating and settling it. The experience of the emigrant parties that have been settled in Albany suggests the advantage they will derive from giving the Settlers a permanent interest in the lands they occupy, while they derive a present benefit from their services and remunerate them.

We cannot help adverting however to the prohibition that your Lordship has annexed to the cultivation of lands granted in the Frontier Districts by slave labour, and expressing the strong sense we entertain of the necessity of enforcing this most salutary prohibition by the heaviest penalties, amounting to the forfeiture of the land upon which slaves may be employed and of all interest of the proprietor in slaves hired or permitted

to be employed in its cultivation. We would also extend the prohibition and the penalties to all personal as well as predial slaves sold, hired, let out, or lent to the inhabitants of the territory ceded to the Company as long as they remain within it.

We observe that in the proposal submitted to your Lordship much expectation is entertained of deriving assistance from the labour of Hottentots. From the circumstances of the present condition of this class which we shall hereafter have to submit to your Lordship, we should not advise the members of the South African Company to place much reliance on the assistance of the Hottentots in the ordinary occupations of agriculture. They are excellent herdsmen and expert in the driving and management of cattle, and they sometimes acquire sufficient skill to handle a plough, but no reliance can be placed upon the continuance of their services, and the most respectable of the English Settlers have not yet been able to tempt them by high wages to renounce their great love of change, their gregarious and migratory disposition, and the new inclination that they may be said to have lately imbibed for visiting the missionary institutions. It may be found practicable by the influence of better regulations than those that are now in force to effect a partial change in the habits of the present generation of Hottentots and to render it more complete in those of their children, and the opportunity of settling in parties upon lands secured to them and of being employed as herdsmen and shepherds without being separated from those associations to which they are so strongly attached, would constitute the strongest temptation to them to second the views of the Company.

We do not think it necessary to enter into an explanation in this place of the views that we have formed respecting the amelioration of the condition of the Hottentots, but we cannot forbear adding that one leading feature of them will consist in insuring to them a fair and reasonable profit upon their labour when employed in the service of others, and the means of realizing and transmitting the fruits of their industry to their offspring.

From the attempt we have made to bring to your Lordship's notice the state and extent of the disposable land in the Colony, you will perhaps be able to form an opinion of the

success with which British Capital and industry may be employed in its cultivation. The great uncertainty of the seasons imparts that character to all agricultural speculation that is founded upon the produce of the soil, and the situations are few in which the produce can be profitably conveyed to market. In the present high price and scarcity of labour no process that depends upon human aid alone is in any degree likely to prosper. The population of the villages is as yet too inconsiderable and (*sic*) stationary to create a market within the Colony with exception of Graham's Town, where a large military force is stationed, and the difficulties attending the exportation of any quantity in excess of that which is required for consumption within the Colony nearly counterbalance the advantages arising from the fertility and general productiveness of the soil. The habits of the Boers, their hereditary prejudices, and their want of intelligence have combined with these causes to check the progress of agricultural improvement, and we believe that if capital employed in agriculture or the occasional profits derived from it have accumulated in their hands, it has been owing to the habits of severe economy that they observe in their mode of living, their indifference to those comforts that are indispensable to Englishmen, and also to the multiplication of their stock, to which the access they have enjoyed to extensive ranges even of very indifferent pasture has mainly contributed.

In the appropriation of the large tract that we have proposed for the South African Company, they will not fail to discover the same source of profit that has been so long enjoyed by the older Colonists, and when a direct communication is opened between the Eastern part of the Colony and the Island of Mauritius we are led to believe that the trade in provisions will prove beneficial to the Inhabitants. The Emigrant Settlers in Albany are now making great efforts to enter into this trade, and have subscribed to form a shipping company, and the advantages that the South African Company will possess in their command of capital cannot fail to give effect to this or any other enterprise of a more extensive kind. Under the same advantage the exportation of hides and the growth of fine wool may be also considered as fair sources of profitable speculation, and referring to the present improved and im-

proving condition of the Settlers in Albany, after being exempted from the restrictions to which they were for some time subject, and after four years of successive failure of their crops, we are justified in the belief that under judicious management the application of British Capital and industry to the objects we have described will afford the means of adequate but not of immediate profit to the contributors, and we feel certain that it will be beneficial to the Colony. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Copy.]

Letter from the Secretary to Government to the Landdrost of Somerset.

COLONIAL OFFICE, 30th September 1825.

SIR,—It having been intimated to His Excellency the Governor in a despatch from His Majesty's Secretary of State for the Colonies dated 20th May 1820, that in any future Grants of lands which may be made in the Uitenhage district, or in any other Settlement either to the Northward thereof, or more immediately on the frontier of Kafferland, His Excellency should make it a special condition of the several Grants, that the lands so granted should be cultivated by free Labourers only and that any employment of Slaves upon it should render the lands subject to forfeiture ; I am directed to acquaint you that this clause has invariably been inserted in all Grants of Lands made in Albany district (to which it was conceived the clause applied), but doubts having arisen as to the propriety of inserting it in the Grants of Lands to be made in the new district of Somerset, His Excellency has determined not to issue any Grants in that province, until the pleasure of Earl Bathurst (to whom His Excellency has referred the subject) shall be known. I have &c.

(Signed) RICHD. PLASKET,
Secretary to Government.

[Original.]

Letter from JOHN FAIRBAIRN, ESQRE., to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, *September 30, 1825.*

GENTLEMEN,—I have the honor to transmit to you a copy of the papers of the South African Literary Society, 1824, and I beg leave to request your attention to the document No. 10 page 23 of the printed Pamphlet.

When the document No. 9 of that Pamphlet, page 21, was signed, it was left with Mr. Pringle to be forwarded in the regular way to His Excellency the Governor. Whether Mr. Pringle should have carried it to the Memorial Office, or sent it as he did to the Colonial Office with a note, I do not stay to enquire, as any trifling informality in the manner of conveying *such* a Memorial can furnish no excuse for the informal and insulting reply. But what I wish to point out is the eagerness with which His Excellency seizes this opportunity of adding another outrage to the many he had already heaped on that Gentleman. As this answer must necessarily have been shewn to all the individuals who signed the Memorial, you will readily see the extent of the injury intended, and be able to judge whether a Governor capable of pursuing not only an unconvicted, untried, but unaccused, and I need not tell anyone here a meritorious individual with so rancourous a spirit and so fatal a purpose, upholds the character of His Majesty's Representative.

The words used by His Excellency to Mr. Cloete, as far as I have heard them, taken by themselves might have been supposed a hasty expression of an unjust and degrading resentment which might yield again to a returning sense of what became his exalted station in the Colony; but when viewed in connexion with this reply, the conclusion is that they were not only an expression of a fixed determination to oppress and ruin Mr. Pringle, but a part of His Excellency's plan for carrying that resolution into effect. He informed Mr. Cloete that Mr. Pringle's being a party in any undertaking, no matter what it was, would induce him, so long as he was Governor, to thwart and oppose it. Would Mr. Cloete after

this be as ready as before to co-operate with Mr. Pringle in the most innocent and laudable undertakings? Would he, a Lawyer and Professional Adviser, be as apt as before to recommend such co-operation to his friends? I repeat the same question with respect to every man in the Colony, and I will answer with confidence for them that none of them would. They had now an additional reason to the contrary, a reason equal to if not greater than all the sanction of the Law. It includes every species of punishment, poverty, disease, and a lingering death, with loss of reputation. Gentlemen, this is *not* overstated. I leave further inferences to yourselves.

I have &c.

(Signed) JOHN FAIRBAIRN.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 1st October 1825.

MY LORD,—I have the honor to acknowledge the receipt of Your Excellency's dispatch No. 179 transmitting copies of a letter and of its enclosures which had been addressed to your Excellency by Mrs. Mary Duckitt, claiming a Pension of One hundred and fifty Pounds per annum, under a clause in the Memorandum of the conditions upon which the services of her late husband Mr. William Duckitt were accepted in the year 1799 as a Superintendant over the Agricultural improvements of the Cape of Good Hope; and I have to acquaint your Excellency in reply, that as the original document, of which the Memorandum furnished by Mrs. Duckitt is a true copy, is recorded amongst the Archives of this Department, I have only to convey to your Excellency authority for granting to Mrs. Duckitt a Pension of One hundred and fifty Pounds per annum, to commence from the date of her husband's decease, and to be provided for out of the Revenues of the Settlements under Your Excellency's Government. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 1 October 1825.

MY LORD,—The Commissioners of Enquiry in a letter addressed to me under date 20th August, copy of which I have the honor to transmit, having put a construction upon the Directions contained in your Lordship's Despatch to Sir Rufane S. Donkin of the 20th May 1820, relative to the non-Employment of Slaves on the new Grants in Albany and the Frontier districts which it never struck me could have been the Intention of His Majesty's Government to apply to it, and under which impression I had the honor of addressing Your Lordship on the 15th June 1824 No. 97, I feel myself called upon to solicit Your Lordship's specific commands thereupon, and at the same time to place before Your Lordship such local circumstances as I conceive may be worthy Your Lordship's consideration as regards the Expediency, safe policy and justice of permitting the old Colonists to be subjected to the Clause alluded to, particularly those not residing in the Albany district.

The Grants proposed to be made in the new district of Somerset (consisting of 1000 Morgen each) are intended for old Colonists who have been selected amongst very numerous applicants on account of their strong claims upon this Government for their brave, constant and arduous Services in defence of the Frontier against the Kaffers ;—to exclude these Men from any hope of extending their means of providing for large families growing into life, merely because they are possessors of a small portion (in some cases of not more than One Slave as will appear by the enclosed List) of the only labouring class obtainable by the Colonists would, I conceive, if duly weighed, be considered an act of the greatest injustice. That the clause alluded to should be applied to Emigrants is most wise and expedient, as the very principle upon which Grants were directed to be made to them was founded on the Extent of means, (human labour being the principal one) they possessed.

These Emigrants occupy one particular Tract almost exclusively, and were bound to bring their Labourers with them,

who were also freighted by Government,—the Frontier districts comprehend a Border of several thousand Miles and a clause which would exclude all the means at the disposal of the Grantee to avail himself of the Land granted him would I fear tend to excite the most serious discontent.

If it be apprehended that Slaves could be introduced from the Interior of Africa, I take the liberty of assuring Your Lordship that no attempt could possibly be successful, no one in this Settlement can be acknowledged as a Slave except those who are included in the Register, and the returns given in annually at the Opgaaf totally prevent the possibility of substituting a native for a Slave. The local authorities in this thinly populated Country are so well acquainted with every Individual in their respective Divisions, that any fraud with regard to Slaves could not fail to be detected, and I am not aware of any instance in which it has been attempted or even contemplated.

I have stopped the issuing of the Grants which have been prepared until I am honored with your Lordship's further commands, but I do not hesitate humbly to offer an opinion that the clause should not extend to Grants made to the old Colonists. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from MR. WILLIAM DUCKITT to LORD CHARLES SOMERSET.

KLAVER VALLEY, 1st October 1825.

MY LORD,—Since I had the honor of seeing your Lordship when you enquired how Horse breeding had answered to me, I have referred to my papers and do myself the honor to inform your Lordship that since the introduction of English stallions into this Colony by your Lordship, although I have always paid for the covering, I have derived upon an average an annual profit of Two Thousand Rixdollars, although I have only ten mares. Had I had the means to purchase an English stallion my profits would have been larger, as it is the Horse breeders

alone who have during the last five years been able to make any profit of their Farms from the visitations that have befallen all other species of Farming. I have &c.

(Signed) WM. DUCKITT.

[Copy.]

Letter from MR. J. J. KOTZE to LANDDROST J. W. STOLL.

BLAUWBERG, 1st October 1825.

SIR,—I consider that our Breed of Horses has been very much improved by the importation of English stallions, the prices for our Horses being in consequence now considerably higher than in former times : this surely is an advantage.

The first English stallion I bought I paid Rds. 5,500 for, after he covered my mares for two years I sold him again for Rds. 4,500. I got for his produce Rds. 5,000, having retained seven of his mares which are still in my possession. Rather more than a year ago I bought another stallion for Rds. 6,000 ; by this horse's covering strangers' mares I received Rds. 1800, and expect within a short time thirty foals from my own mares covered by this stallion. I sold one of my foals, a yearling, for Rds. 1,000. I have &c.

(Signed) J. J. KOTZE.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 2nd October 1825.

MY LORD,—I have had the honor to receive your Excellency's dispatch of the 1st of June last, enclosing the Regulations which you had issued with a view to restricting the performance of the rites of Baptism by the Wesleyan Missionaries within the limits of such districts where a Clergyman of the Established Church has been appointed ; and also transmitting a Copy of

a Memorial which has been addressed to you upon the subject of these Regulations by the Wesleyan Missionaries.

As your Excellency expresses a desire to receive some instructions respecting the claims made on the part of those Missionaries to baptize and even to marry, both which claims were disputed, I lost no time in having a communication with the leading persons of that Society.

Every dissenting Minister claims and exercises a right to baptize. This right has been, by a decision of Sir John Nicholl confirmed to them, but I am assured that the Wesleyan Society are by no means anxious to exercise this right, except where the Parents themselves propose it.

They are also ready to admit that the publication in the paper that the baptism had been celebrated according to the rites of the Church of England was incorrect, if that ceremony were not performed by a Clergyman of the Church of England, and they will by no means object to a small fee being paid on the registration of the baptisms celebrated by them, if such a regulation should be generally adopted with respect to all baptisms by whomsoever celebrated.

With respect to the celebration of Marriages, they do not wish that their Minister should perform that ceremony, except in cases where no Clergyman of the Church of England is at hand to perform it. If their Minister in Albany has celebrated Marriage, when a Clergyman of the Church of England could have celebrated it, it must have taken place since the appointment of a Clergyman of the Church of England to the district, where none had before been resident; and it is, therefore, to be considered as the continuance of a practice which ought to have ceased when the necessity for it no longer existed. They will, I am assured, take care that the celebration of this Ceremony shall be henceforth strictly confined to those occasions when by reason of the absence of a regular Minister, the alternative is, that the ceremony must be dispensed with or celebrated by a Minister belonging to their Society.

Subject to these restrictions, I see no reason for precluding the Wesleyan Missionaries from celebrating the Marriage Ceremony. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 3rd October 1825.

MY LORD,—I have received with considerable surprize the information contained in your Excellency's dispatch of the 23rd of July last, in regard to the conduct pursued by Colonel Bird in not replying to the communications which have been addressed to him by your Excellency's desire respecting the Pension which it is proposed should be granted to him.

I would hope that before your Excellency shall again have occasion to communicate with me, Colonel Bird may have enabled you to acquaint me with his decision in regard to the alternative which has been proposed to him, and that he may have accounted for his neglect in not having sooner replied to your Excellency's communications. In the event, however, of these communications remaining without any conclusive answer from Colonel Bird, with respect to the proposed alternative, at the period when this dispatch shall reach your Excellency, I have to desire that the payment of his pension should be suspended, and that no further pecuniary issue be made to him, without further instructions from me.

I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LORD CHARLES SOMERSET.

CAPE TOWN, 3rd October 1825.

MY LORD,—Since we had the honor of addressing your Lordship in reply to your letter of the 23rd August last, we have not failed to give our attention to the important subject which you did us the honor to bring under our consideration, and in stating our views of the financial circumstances of the Colony, we take the opportunity of soliciting from your

Lordship such an explanation of those which you may entertain as may enable us more effectually to meet the various difficulties that we find to be opposed to us in providing for the claims of the Civil Servants who have suffered from the depreciation of the Currency.

As it may be necessary that we should explain the nature of the difficulties to which we have alluded, we beg to trouble your Lordship with a few general observations which have occurred to us upon an examination of the accounts of the Colony ; and we have prepared an Abstract Statement which may tend to elucidate the subject, and which we accordingly enclose for your Lordship's inspection.

On a reference to the Returns of the Revenue and Expenditure of the Colony that have been laid before Parliament, we have had occasion to observe that a considerable surplus has appeared to the Credit of the Colonial Government in each year since the capture of the Colony in 1806 ; and in the Accounts of the last four years this Balance has been much larger than in the preceding years.

In the year 1821 it amounted to Rds. 183,742 ; in 1822 to Rds. 291,058 ; in 1823 to Rds. 360,581 ; and in 1824 to Rds. 300,620.

Your Lordship is of course aware that these Balances have chiefly arisen from the appearance of various items in the accounts which have made no part of the permanent Resources of the Colony ; and in order to arrive at a clear perception of the actual revenue compared with the Charges of the present Establishment, we have confined our Statement to the several Branches of the general revenue which are applicable to the maintenance of the Colonial Establishments.

In assuming the average of the annual Receipts of the last four years, we have endeavoured to guard against any excess or diminution that may have resulted from temporary causes, and for the disbursements made in the repairs of public Buildings and Roads, and in the purchase and Repair of Vessels, we have also taken the average of four years ; but in calculating the permanent Expenditure of the Colony we have taken the Establishments as they exist, according to the latest Returns that have been furnished to us.

Upon inspecting this Statement, your Lordship will observe

that the Receipts of the Colonial Government under the established heads of Taxation and Revenue have averaged in the last four years the Sum of Rds. 1,499,715, and that the existing Establishments of the Colony exceed that amount by the Sum of Rds. 20,017, thus leaving no surplus to meet the extraordinary and miscellaneous disbursements, which have averaged Rds. 247,718 per annum.

From this Statement it would appear that there is a considerable deficiency in the Colonial Revenue to meet the charges of the Establishment, even on their present footing, and to provide for contingent Expences which cannot be entirely avoided ; and as some branches of the Revenue may eventually be diminished, it will be necessary to consider in what manner such deficiency may be replaced ; and also from what sources the increased charge of the Establishment may be defrayed, before any determinate increase can safely be made either in the amount of the present Salaries or in the number of the present Offices.

The charges on the Civil List, including the Establishments of the Churches, Districts, and Residents, we have estimated to amount to 883,888 Rixdollars, from which we have separated the Pension list, already amounting to Rds. 50,652, which your Lordship is aware will be materially augmented in making the necessary provision for superannuated Servants. On a reference to the Official Returns, we believe that we are correct in stating that the Salaries which have been reduced in value by the depreciation of the Currency amount at least to Rds. 500,000, as in the year 1824 they were stated in the Official Returns to amount to Rds. 561,577, including the Currency Pensions.

With reference to the situation of those Public Servants who are now so inadequately paid, and the distress to which many of them are consequently subject, we fully concur with your Lordship in the practicability of effecting a partial relief by means of reductions that may be made in some parts of the Colonial Establishments.

We are not of opinion however that it will be practicable to rely wholly, or indeed to any great extent, on these reductions, or to place the Departments on any efficient footing without some addition to the burthens of the Colony. We entertain

hopes that some branches of the Colonial Revenue will eventually improve, but this cannot be relied on as an available Resource, when other Branches may be expected even more suddenly to fail, or may be desirably relinquished; and it is to this consideration that we are most anxious to draw your Lordship's attention, in order that we may be favored with your opinion of the manner in which the deficiency may be made up with the least inconvenience to the Colony.

It has occurred to us to suggest to your Lordship that some saving may possibly be effected by a more economical administration of the District Taxes and of those which are raised in Cape Town thro' the Burgher Senate, and by this means that the Colonial Revenues might be relieved from part of the Charges that are at present incurred for the support of the Local Establishments.

As however the Town and Districts are for the most part burthened with debts, and have been subject to extraordinary assessments which have borne heavily on the inhabitants, we are not prepared to say that any material portion of these Revenues could be applied to such an object; and it is further to be remarked that the whole of the Salaries which have hitherto been defrayed from these funds have been reduced in value by the depreciation of the Currency, and that some of them must consequently be augmented in common with those that are paid from the Colonial Revenues.

We have not thought it necessary to advert to the reductions that may be found practicable in the contingent and miscellaneous expenditure of the Colony; for these Charges being in excess of the Revenues which may be considered to be absorbed by the Establishment alone, it would be impossible to provide for them in future on the most economical scale, and to maintain the present establishment without new additional burdens to the People.

Your Lordship is already aware that a very considerable advance will have to be made by His Majesty's Government in the redemption of the Paper Currency; and although this charge may be ultimately redeemed from the credits of the Lombard Bank, which have originated exclusively in the issues of that Paper, there are certain Buildings and Works, the

execution of which the poverty of the Colony will not admit of being defrayed without assistance.

If His Majesty's Government should therefore be disposed to admit of the immediate application of the credits accruing to the Bank to such an object, the ultimate redemption of the debt must depend upon the savings of revenue to be effected.

In raising the present Cape Corps, we are aware that your Lordship contemplated the practicability at a future period of again reducing it, and altho' that period may be in some degree indefinite, the liberation of so considerable a portion of the Revenue may be expected eventually to relieve the Colony from its principal embarrassments, and enable the Government to dispense with a part of those burthens which its necessities would alone induce it to continue or to augment.

As we feel thoroughly persuaded that we should not be justified in proposing to His Majesty's Government to incur any additional Charges on account of this Colony until we were prepared to prove the impossibility of raising the Amount of its Revenues, we have given our attentive consideration to the means by which the present deficiency of the Revenue may be supplied, in order to meet the demands of an efficient Establishment, and if we should be favored with your Lordship's concurrence in those general views in which we have endeavoured to be guided by an impartial consideration of the various interests that are involved in the question, we shall be prepared to profit by your Lordship's suggestions in respect to those definitive arrangements which it will become our duty to submit for the approval of Earl Bathurst. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE.

[Copy.]

Letter from COMMANDER WRAY *to* COMMODORE CHRISTIAN.

HIS MAJESTY'S SLOOP *Espiegle*,

SIMON'S BAY, 3rd October 1825.

SIR,—In reference to the letter from the Colonial Office, addressed to you, requesting a passage for Mrs. Erith and three children,

I beg to state that the *Espiègle* being a single decked vessel, and having all her provisions upon deck in consequence of the Wine for Government occupying the Holds, it will be quite impossible to accommodate her and Children. I have &c.

(Signed) L. H. WRAY, Commander.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 4th October 1825.

MY LORD,—I have to acknowledge the receipt of your Excellency's dispatch of the 25th of July last, enclosing an application from Sir Richard Plasket upon the subject of his Office.

It will be desirable I think, that the Collection of Stamps should be transferred altogether to some of the Revenue Departments, which will enable the present Collector to devote his Services entirely to the Secretary's Office ; but as a similar arrangement could not be made with respect to the Accountant, I have no objection to the temporary employment of an additional Clerk in that Office as proposed by Sir Richard Plasket, and your Excellency will consider yourself authorized to allow the Messenger of the Office to retire with a moderate Pension.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from JOHN BARROW, ESQRE., *to* R. W. HAY, ESQRE.

ADMIRALTY OFFICE, 4 October 1825.

SIR,—Having laid before my Lords Commissioners of the Admiralty your letter of the 30th of last month, transmitting by direction of Earl Bathurst copies of two letters which had been received from Mr. Knox, respecting the formation of a

safe and commodious Mole or Harbour within Table Bay at the Cape of Good Hope, together with a plan thereof with its accompanying explanation, and requesting the opinion of my Lords on the subject : I have their Lordships' commands to return the plan and explanation in question, and to request you will inform Earl Bathurst that they cannot recommend the adoption of Mr. Knox's proposition. I am &c.

(Signed) JOHN BARROW.

[Copy.]

Letter from COMMODORE CHRISTIAN *to the* SECRETARY TO
GOVERNMENT.

Owen Glendower, SIMON'S BAY, 4 October 1825.

SIR,—I beg to lay before you a letter I have received from Captain Wray of His Majesty's Sloop *Espiègle*, respecting Mrs. Erith and three Children, and am to express my regret at not being able to order them a passage to England in the said sloop. I have &c.

(Signed) HOOD H. CHRISTIAN.

[Copy.]

Letter from LIEUTENANT-COLONEL SOMERSET *to the*
COMMISSIONERS OF ENQUIRY.

GRAHAM'S TOWN, October 4th 1825.

GENTLEMEN,—I have the honor to acknowledge the receipt of your communication of the 23rd September last inquiring into the circumstances of some Caffres being shot at the place of Fieldcornet Van der Nest.

At the time the transaction took place, on hearing of the circumstance I rode over to the Kaka to inquire into the affair. From information I obtained it did not appear to me that any culpability could be attached to Van der Nest. This I explained to the Caffre Chief McComo, and no doubt remained

on my mind but that the arrival of the Caffres on that spot and the story they pretended to relate was a ruse de guerre to enable them to plunder with more certainty of success.

I have now however called on Captain Massey to send me a minute and circumstantial detail of this affair, which I shall have the honor to forward for your information. I have &c.

(Signed) HENRY SOMERSET, Lieut.-Colonel
Commanding the Frontier.

[Copy.]

*Letter from ABRAHAM BORRADAILE, ESQRE., to the LORDS
COMMISSIONERS OF HIS MAJESTY'S TREASURY.*

COMMITTEE ROOM, 25, ROOD LANE, 4th October 1825.

MY LORDS,—I beg respectfully to refer to a letter which I had the honour of addressing to your Lordships, dated 11th May last, wherein I requested to be informed, for the satisfaction of the merchants and others interested in the trade of the Cape of Good Hope, what steps had been taken with respect to the currency of that colony ; to which letter your Lordships were pleased to direct the following reply, under date the 4th June last :

“ I am commanded by My Lords to acquaint you, that an Order in Council has been issued, declaring that the tender and payment at the Cape of Good Hope of 1s. 6d. of British silver money shall be equal to the tender and payment of one rixdollar ; and a supply of British silver and copper money has been sent thither with a view to its being issued in defraying the public expenditure : And their Lordships have further directed, that the officer in charge of the commissariat upon that station, should grant his bills upon this Board to any amount, in sums of not less than £100, upon the tender to him either of British silver money or of the paper currency of the colony, at the rate of £103 of British silver money or of paper currency of the colony for every Bill of £100, and computing the paper money at 1s. 6d. the rixdollar.”

It is therefore with no small surprise and alarm, the merchants

have heard it circulated on high authority, that in consequence of representations transmitted from the colony, the value of the rixdollar is again to be altered, and that 2s. is to be the value, in place of 1s. 6d.

It would be needless to point out to your Lordships the importance to the merchants and others interested, of a question of this nature being set at rest ; I trust therefore I may be honoured with an intimation from your Lordships, for the information of the trade in general, stating whether it is the intention of His Majesty's Government to make any alterations regarding the currency of the Cape of Good Hope, further than those communicated to me by command of your Lordships on the 4th June last ; and as two vessels are now in the Downs, waiting a wind to proceed to the Cape, an early reply would be highly desirable. I have &c.

(Signed) ABRAHAM BORRADAILE,
Chairman of the Committee of Merchants and
others trading to the Cape of Good Hope.

[Copy.]

Letter from the Landdrost of Tulbagh to the Commissioners of Enquiry.

LANDDROST'S OFFICE, WORCESTER, 4th October 1825.

GENTLEMEN,—I have the honour to transmit you a detailed Statement of the Taxes levied at the opgaaf of the present year, as directed by your letter of the 5th April last ; and likewise, in obedience to the directions contained in said letter, beg leave to state that the Extraordinary Taxes of Transport and Commando are levied by classification, according to the number and value of the estates, bearing in mind the quantity of stock and produce of the estates, as well as the amount of income from other sources.

I have to apologize for not having sent you this Return sooner ; but I had considered you required the amount levied under each head, as required by your letter of the 30th ultimo, which could only lately have been complied with, the inhabi-

tants of the distant field-cornetcies being allowed to pay their taxes at the time they emigrate with their flocks to the Caroo.

I have &c.

(Signed) C. TRAPPES.

Statement of Taxes levied at the Opgaaf, in the Year 1825.

ORDINARY TAXES :					
Head Money :					
			<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
For each head of family	.	.	2	4	0
Cattle Money :					
For each head of cattle and breeding horse	.	.	0	0	2
For each saddle or waggon horse	.	.	0	0	4
Produce :					
For each muid of grain	.	.	0	0	2
For each leaguer of wine	.	.	0	2	4
For each leaguer of brandy	.	.	0	6	0
EXTRAORDINARY TAXES :					
Transport	} by classification	.	.		{ By Govt. Proclamation, dated 12 Mar. 1813. By Govt. Proclamation, dated 4 Dec. 1812.
Commando		.	.		
Slave Tax :					
For each male above 14 years	.	.	2	0	0
„ female „	.	.	1	0	0
„ male or female below 14 years	.	.	0	4	0
					{ By Govt. Proclamation dated 9 Feb. 1823.
Church Tax :					
For each place	.	.	4	2	4
„ erf	.	.	2	1	2
					{ By Govt. Letter, dated 5 March 1824.

[Copy.]

Letter from the Landdrost of Albany to the Commissioners of Enquiry.

GRAHAM'S TOWN, 4th October 1825.

GENTLEMEN,—In explanation of the circumstance of your letter of the 5th of April last (by which I was called upon for

a detailed statement of the taxes levied at the opgaaf of the current year) not having been answered, I beg leave to state, that though the opgaaf for the year has been levied from the Dutch farmers, I have not yet been able, from a press of business and other causes, to complete the whole opgaaf return, and call upon some of the inhabitants, not settlers, residing in Graham's Town and elsewhere, who are liable to the payment of taxes.

The Return I am about to submit must, from the above cause, be imperfect; for though the principle, or mode of taxation may be given, yet the amount levied under the separate heads of assessment cannot at present be stated.

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
The opgaaf money, including head money and tax upon produce, levied according to the proclamation of the 1st April 1824, amounts to	1,193	2	4
Transport money, being 50 per centum on opgaaf, exclusive of head money	257	4	0
Church money, from Dutch farmers, who are in possession of the title deeds of their places, being.	52	0	0

There are no extraordinary assessments, nor do I suppose there will be, until the whole of the inhabitants of the district are placed on an equal footing as to taxes.

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
The taxes received from the missionary establishment of Theopolis, levied on the same principle, amount to	719	6	0

Profits arising from trade are taxed at three-fourths per centum: the amount for the year on this account is not yet ascertained. I have &c.

(Signed) W. B. DUNDAS, Landdrost.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 5th October 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 27th of January last, enclosing a Plan and Estimate of a Church for the celebration of National

Worship which you are desirous of building for the accommodation of His Majesty's Subjects residing at the Cape ; and you requested to be allowed to draw on His Majesty's Treasury for the amount of the expence which would attend the undertaking.

Before I could authorize your Excellency to make any arrangements for this purpose it would be necessary that I should obtain the consent of the Lords Commissioners of the Treasury to this Expenditure ; and I think it but fair to apprise you, that I could not expect to obtain that consent even on the terms which you propose, unless I could accompany the proposal by stating that the Inhabitants had given the best evidence of their wish to have the Church, by entering into a subscription for that purpose, as has been done at Barbadoes and other places. I have &c.

(Signed) BATHURST.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to the COMMISSIONERS OF
THE NAVY.*

DOWNING STREET, 5th October 1825.

GENTLEMEN,—I am directed by Earl Bathurst to transmit to you a Copy of a letter from Mr. Edwards, representing the destitute situation of four orphans, who, on account of the death of their parents, who went out as Settlers to the Cape of Good Hope in the year 1821, have been left without friends or resources in that Colony ; and soliciting that a Passage to England may be granted to them at the Public Expence. The distressing circumstances which characterize this application having induced his Lordship to hold out a hope that accommodation may be provided for these Children in some Transport which may be returning to England from the Cape of Good Hope, I am directed to desire that you will instruct the Commissioner of the Navy at the Cape to avail himself of any opportunity which may offer for sending these Children to England. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to D. EDWARDS, ESQRE.

DOWNING STREET, 5th October 1825.

SIR,—I have laid before Earl Bathurst your letter of 28th Ultimo representing the destitute situation of the 4 Orphan Children of a Mr. and Mrs. Leader, late Settlers at the Cape of Good Hope, and soliciting that a Passage may be granted to them from that Colony to England at the Public Expense, and I am directed to acquaint you in reply, that although it is not customary to grant free Passages to private Individuals, his Lordship has been nevertheless induced, in consideration of the peculiar circumstances of the case, to recommend that a Passage to England should be provided for these Children in case an opportunity should offer of a Transport returning from the Cape of Good Hope. It will be desirable, therefore, that you should apprise the person who may have charge of the children to report them accordingly to the Commissioner of the Navy at the Cape. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from MR. J. VAN REENEN to LANDDROST J. W. STOLL.

GANZE KRAAL, 5th October 1825.

SIR,—In answer to your letter of the 4th Instant, requesting to know if I have derived any profit from my English stallions, I must confess that I have gained much by them. I bought one from Captain Christopher and a second one from His Excellency Lord Charles Somerset. I certainly would not have bought the second if the first had not proved profitable.

I had from 30 to 36 Foals a year, of which 15 or 16 were colts: sold several of them for Rds. 3,000, Rds. 1500, Rds. 1,200, Rds. 500, the lowest for Rds. 300.

I have now 60 mares in foal. I have had mares belonging to strangers covered, receiving from Rds. 100 to Rds. 50 for

each, and have made a considerable sum by so doing. I must add to this that had I not had a stud, I should have been unable to pay my Interest during the time we had bad crops.

I have &c.

(Signed) J. VAN REENEN.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 6th October 1825.

MY LORD,—I have had the honor to receive your Excellency's dispatch of the 8th June last, enclosing a Report which has been drawn up by Mr. Robert Knox of Scarborough, upon the practicability of forming a safe and commodious mole or harbour in Table Bay.

A short time before I received your Excellency's dispatch Mr. Knox had delivered his report and Plans at my Office, and I immediately forwarded them for the consideration of the Lords Commissioners of the Admiralty, who have since acquainted me that they cannot recommend the adoption of Mr. Knox's proposition.

Under these circumstances it will be necessary to resort to the consideration of other means for accomplishing an object which appears to be not less essential to the prosperity of the Colony, than to the interests of British Shipping. To those persons whose experience on such subjects has entitled their opinions to be attentively considered, it has appeared that a desirable anchorage could most easily be effected in Table Bay, by means of a Breakwater, the materials for which may it is conceived be readily obtained in the immediate vicinity of Cape Town. I have accordingly desired Mr. Rennie, an Engineer of high reputation to state the points upon which detailed information is requisite, in the first instance, in order to enable His Majesty's Government to arrive at a decision upon the practicability of accomplishing the object by the means proposed, and I enclose for your Excellency's consideration, a paper which I have received from that Gentleman, and

which will enable you to direct the proceedings of such persons as you may select for framing a Report upon the topics set forth in Mr. Rennie's paper.

In the mean time, I beg leave to acquaint your Excellency that in consequence of the representations which I have received of the inconvenience to which the trade of the Colony has been exposed from the want of an active and intelligent person to perform the duties of Captain of the Port, which I am given to understand are performed by a Deputy who is advanced in years, and unequal to the effectual discharge of his functions, I have determined to send out an Officer of the Navy to replace him ; and as it will be proper that this Officer should receive an annual Salary of Three hundred Pounds and the Emoluments attached to the Office of Captain of the Port, your Excellency will suggest for my consideration some arrangement by which Mr. Blair may be indemnified for the deduction which will thus be made from his Salary.

I have &c.

(Signed) BATHURST.

[Copy.]

*Letter from LORD CHARLES SOMERSET to COMMODORE
CHRISTIAN.*

GOVERNMENT HOUSE, CAPE TOWN, 6th October 1825.

SIR,—It is a matter of deep regret that I am compelled to trespass further upon your instructions relative to despatching His Majesty's Ship *Espiegle* for England, but I have just learnt from the Chief Justice that it will be impracticable for him to furnish me with some papers (which it is indispensable I should give into Lieutenant Rutherford's charge for Earl Bathurst) so soon as Sunday next.

This delay has arisen from the necessity on the part of the Chief Justice to refer to one of the members of the Court of Justice, (who sat as Judge on cases alluded to by Mr. Bishop Burnett), previous to his being able satisfactorily to reply to

some parts of the Petition to the House of Commons of that individual.

That member of the Court however returns to Cape Town to-morrow and the Chief Justice assures me that every practicable exertion shall be made in preparing the papers so as to cause as little further delay in the sailing of His Majesty's Ship *Espiegle* as possible.

I will watch the progress that is made and will have the honor to give you the earliest intelligence, when I may depend upon receiving them, I have therefore to request that at my solicitation the *Espiegle* may be further detained.

The non-receipt of my Dispatches from His Majesty's Government renders it impossible for me to say, at the present moment, if I shall be necessitated to require the *Ariadne* to convey me to England. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE TOWN, 6th October 1825.

MY LORD,—Having had occasion to observe in the order of His Majesty in Council for improving the condition of the slaves in Trinidad that it has been proposed to remit all taxes upon slaves who may be allowed by their masters to attend Divine Service, and as the provision has been retained in the draft of the order which has been prepared by His Excellency the Governor in Council with a view to its application to this Colony, we feel prompted to bring to your Lordship's immediate notice some considerations that have appeared to us to render inexpedient the introduction of such a clause in any order that may be promulgated at the Cape.

That we may afford to your Lordship a concise view of the financial difficulties of the Colony, we beg leave to enclose an abstract statement of the annual revenue and expenditure which we have prepared from information on which we can depend, and while on the one hand there exists an urgent

claim on behalf of the great majority of the public servants to an increase of their salaries and which can only in part be met by reductions in the establishment, your Lordship will observe that the revenue now collected is insufficient to provide for the establishment, even on its present footing, and that the contingent disbursements which have hitherto amounted in each year to a considerable sum are wholly unprovided for. Altho' an expectation may be reasonably formed that the Land Revenue and Customs will eventually become more productive, there are other branches of the Revenue that may be expected to decline and some that are liable to objections that may render it necessary to relinquish them altogether.

In considering the manner in which the assessed taxes have hitherto been imposed upon the different orders of the Community, we have not failed to observe that they have borne most heavily upon the indigent classes, and that the accumulated expences resulting from the numerous executions for the legal recovery of arrears of taxes have been ruinous to Individuals without benefiting the public in any corresponding degree.

The most opulent of the Inhabitants may be considered to be the owners of large families of Slaves, and from the cheapness of subsistence they have been able to maintain these slaves at little expence and have enjoyed a large premium from their labour which has progressively increased since the abolition of the Slave trade and the enhancement of the wages of labour in Cape Town.

As it has always been in the power of the slave owner to hire out his slaves when he could not employ their services to greater advantage, it is not surprising that the value of this description of property should have increased in a greater proportion than any other, an increase that may be estimated at 100 or 150 per cent during the last twenty years, allowing for the full effect of the depreciation in currency prices. Labouring slaves are hired out at 30 rixdollars per month or 360 rds. per annum, and mechanics at 500 and 600 rds. exclusive of the subsistence of the slave.

Males and females are also profitably hired out as domestic servants, and observing that one effect of this premium has been to enhance disproportionately the price of labour to the

public, we have considered that the imposition of a moderate tax on slaves would be the most equitable and indeed the only practicable mode of providing for the deficiencies of the Revenue without a further and considerable charge upon His Majesty's Treasury.

As the number of Slaves in the Colony amounts to 35,509, of whom 28,400 are above the age of 8 years, it may be estimated that an assessment of one pound sterling per head upon this number, deducting those above 60 years of age, would amply compensate for all deficiencies in the Revenue and provide for the Colonial Establishments on an efficient footing. Such an assessment would not exceed from 2 to 4 per cent upon the profits that are at present derived from the labour of hired slaves, and considering that it would be raised upon a species of property that has been so generally profitable and that is wholly exempted from taxation, we have been the more anxious to bring the subject to your Lordship's notice before any measures could be taken that might defeat the hope we entertain of being able from this source to meet the deficiencies of the Colonial Revenue without additional demands upon His Majesty's Government. The peculiar circumstances of this Colony, in the dispersion of the Inhabitants, the difficulty of access to places of Divine Worship, and the difficulty of providing accommodation for slaves in those that already exist, would give great facilities in evading the object of the provision in the Financial Order, and in our consideration of the measures for securing to the slaves the benefits of religious instruction we are not without hopes that the revenue we now propose to raise in order to meet the exigencies of the Government might eventually, if required, be made applicable to the advantage of the slaves themselves.

Your Lordship will observe in the enclosed statement a very considerable charge on account of the expenses of the Cape Corps. As the maintenance of its establishment will only be required until the permanent tranquillity of the Frontier can be effected, so important a reduction in the public expenditure would enable the Government either to diminish the public burthens or to apply the slave tax in aid of measures for the amelioration of Slavery.

His Excellency the Governor having officially communicated

his request that we would confer with him on the subject of the measures that may be necessary for the relief of those public servants who have suffered from the depreciation of the Currency, we have addressed some observations to His Excellency upon the state of the Colonial Finances, and on the receipt of his Lordship's reply containing the suggestions that he may wish to offer on this subject, we shall be prepared to bring the arrangements for the Colony under your Lordship's consideration. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Copy.]

Letter from MR. P. VAN DER BYL to CAPTAIN HARE.

EERSTE RIVER, 6th October 1825.

SIR,—In reply to your letter of the 29th ultimo, I beg leave to inform you that it is now twenty-five years since my Father commenced the breeding of Horses, it has been his constant endeavour to improve the same as much as possible, and considered this species of Farming exceedingly profitable, but by which in early time he had very little profit (but never experienced any loss by it) owing to the want of thorough bred stallions. However in the year 1816 my Father bought an English stallion by public auction from His Excellency Lord Charles Somerset for a sum of Rds. 7,450, from which the breed has been uncommonly improved, and which has proved very profitable, as he could sell the young stallions for so much higher a price than could have been done before. In consequence my Father with a view of improving the breed of Colonial Horses still further purchased an English stallion for a sum of Rds. 6,500 from His Excellency Lord Charles Somerset, which horses were both imported by His Excellency, whereby my Father's breed is infinitely risen in value and gives him a great deal more profit, and as the price of Cape Wine is very much decreased, and the harvest of Wheat very changeable and uncertain, so he decidedly considers the breeding of Horses

from English stallions at present as by far the most profitable concern in the Colony and far more lucrative even than the culture of Wine or Corn, and which profit the Colonists in general, and especially my father and myself have no other person to thank but His Excellency our present Governor, who was the first who introduced these advantages, new species of property into the Colony. I have &c.

(Signed) P. VAN DER BYL.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 7th October 1825.

MY LORD,—In answer to your Excellency's dispatch of the 12th June last, I have to convey to you my approbation of the arrangements which you have made for enabling the Agent Victualler of the Navy to obtain free of duty such supplies of Tea as he may require from the East India Company's Agent at the Cape, for the use of the Crews of His Majesty's Ships and Vessels stationed there. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MR. W. ALERS HANKEY *to* R. W. HAY, ESQRE.

MISSION HOUSE, AUSTIN FRIARS, 7 October 1825.

SIR,—I beg leave to return to Earl Bathurst, the best acknowledgements of the Directors of the London Missionary Society, for the communication he has done them the honour to make to me, on the subject of the Lands, confirmed by His Lordship's authority, to the Missionary Institution at Bethelsdorp in Africa.

The Directors are highly sensible of his Lordship's kindness in the protection he has thus afforded to that Institution ; and

they trust and believe that his Lordship, in hearing of the future improvement of that Settlement, will see good reason to believe that his favor has not been bestowed on an unworthy object.

It is with the greatest concern that the Directors of the Society feel themselves obliged in consequence of recent communications from the Cape, to appeal afresh to his Lordship for his protection from an intention, on the part of the Governor of the Colony (which indeed has been carried into effect) to deprive their Institution at Theopolis, in Albany, of lands which had been allotted to it by former Governors. They will do themselves the honor to submit the case to his Lordship's consideration, in a short time. I am, Sir, &c.

(Signed) W. ALERS HANKEY.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 8th October 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatches of the numbers and dates noted in the margin.

157—20 March
162—27 April
192—14 July
195—19 "
201—23 "
203—23 "

Having only recently had occasion to caution your Excellency in the strongest manner against the prejudicial tendency of many of the arrangements of your Government, so far as regarded the

means of the Colonial Treasury to meet the heavy and encreasing expenditure to which those arrangements could not fail to lead, I can scarcely say that I was surprized, however mortified I felt at receiving the intelligence of the loan which your Excellency has found yourself obliged to contract with the Agent of the East India Company.

It is not my intention, however, at present to advert in detail to the merits of that measure until I shall have had an opportunity of communicating upon the subject with the Lords Commissioners of His Majesty's Treasury.

I shall also refrain from entering into any minute considera-

tion of the question which your Excellency has proposed with respect to the expediency of relieving the Colonial Treasury from the charge of maintaining the two Corps of Cavalry and infantry which were raised some time since for the defence of the Eastern Frontier. I am apprehensive that such a claim could with difficulty be sustained. There are few possessions of the Crown in which, without reference to the general interests of the Empire, the expediency of having a local force could not be made apparent ; and none which having such a force already, would not feel equally desirous with the Cape, of being relieved from the burthen of maintaining it. Your Excellency will recollect that it was at your own request that these Corps were originally raised or more properly revived ; and although the interests of the Colony may have rendered such a measure imperatively necessary at the time, yet it only became the more incumbent on the Colonial Government so to apportion its resources as not to fall into the inability of sustaining the charge of maintaining that force.

Your Excellency will not consider that I am insensible to the difficulties with which your Government has had to struggle in providing largely for the wants of the great body of British Settlers, and in keeping up its Revenue under the embarrassments attendant on a depreciated currency, and under the decline of the general trade of the Colony.

But in considering the inadequacy of the Colonial Revenue to meet the demands upon it, it is not sufficient to advert to the expenditure which the Colony has defrayed for the support of the Settlers. Independently of the gross amount of the advances made by the Colonial Treasury on their account, to the end of the preceding year, your Excellency has stated the amount of the permanent annual charge under the same head at the sum of 46,000 Rix Dollars. This charge added to the falling off of the Custom duties clearly explain why your Excellency may not have been able for some time past, to act up to the arrangements which were pointed out to you for your guidance in my dispatch of the 1st January 1817. Upon this subject it would have been highly desirable that your Excellency should have enabled me to acquaint the Lords Commissioners of The Treasury of the extent to which those instructions were complied with.

In my dispatch No. 130 of the 20th November 1824 I called your Excellency's attention generally, and not on mere technical grounds connected as you would appear to imagine with the Audit of your Accounts, to the rapidly growing amount of new expenditure for the Civil Establishments of your Government ; and I expressed my desire to be informed of the cause of this ; but I am sorry to observe that your dispatch No. 195 offers no explanation whatever upon this subject, however satisfactory the assurances may be which that dispatch conveys, of your determination to regulate such expenditure more rigidly in future.

Under all these circumstances, I have to convey to your Excellency His Majesty's Commands that forthwith upon the receipt of this instruction, you give orders for the immediate suspension of all works which may be in progress or in contemplation for the erection or repair of public buildings, with the exception only of such works as you shall be enabled to satisfy His Majesty's Government may not be abandoned or discontinued without manifest injury to the Public Service ; and you will at your earliest convenience transmit to me a detailed Report on the expenditure which may have been already incurred, and may still remain to be defrayed on their Account.

I have further to instruct your Excellency to give orders for suspending the issues until further orders of all encreases which you may have directed to be made to the salaries of existing appointments, without having been sanctioned by me, such suspension to take place from and after the period for the payment of such Salaries which shall follow the receipt of these instructions ; and you will transmit to me for my Consideration a Statement of all Salaries which shall come under the operation of this measure.

You will also abstain from making any new appointments with Salaries attached to them, without the previous sanction of His Majesty's Government. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from LANDDROST STOCKENSTROM to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, *October 8th 1825.*

GENTLEMEN,—I have received from Graaff-Reinet a copy of your letter of the 23rd ultimo relative to the shooting of the Caffres who came into the Colony to restore Stolen Cattle, together with copies of the whole of my correspondence both with the Deputy Landdrost of Cradock and the Government on the subject, which documents I have the honor to enclose. They will shew the impression the case made on me when I received the information and the steps I took in consequence.

Shortly after I had communicated the contents of the Acting Colonial Secretary's letter to said Deputy Landdrost the Somerset District was established, my authority in the Division where the cruel outrage (for I still cannot call it otherwise) had been committed ceased, and what further was done in the affair I have not learnt. I have &c.

(Signed) A. STOCKENSTROM.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *9th October 1825.*

MY LORD,—I have had the honor to receive your Excellency's dispatches of the numbers noted in the margin, and have to convey to you my sanction of the appointment of the Reverend Mr. Ireland to the Chaplaincy of Graham's Town; and a notification to that effect will immediately be made to the Secretary at War. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 9th October 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 7th of July last, and to desire that you will not for the present extend His Majesty's gracious permission to wear the Uniform described in my Circular of the 20th November last, beyond the Members of the Council of Government. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 10th October 1825.

MY LORD,—I have received your Excellency's dispatch of the 25th of July last, and I have to acquaint you, that for the reasons which you have stated, I consent to the appointment which you have made of Captain Hope to be Superintendant of Government Buildings with a Salary of Two Hundred and Sixty Pounds per annum and an additional sum of One hundred Pounds for remunerating the services of a Clerk and Store-keeper. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., *to* G. HARRISON, ESQRE.

DOWNING STREET, 10th October 1825.

SIR,—I am directed by Earl Bathurst to transmit to you enclosed Copies of two Dispatches with their enclosures which have been received from the Governor of the Cape of Good

Hope reporting the discovery of a considerable defalcation of the Revenues of that Colony, which implicates the character of one of the late Members of the Colonial Court of Justice, and as his Lordship considers it desirable that the circumstances of this transaction should be closely examined, I am desired to suggest that these Papers may be referred to the Commissioners of Colonial Audit with Instructions that they should call upon Colonel Munroe, who, at the period when the defalcation in question took place, was acting as Auditor General, and who is now in this Country, to afford any explanation which he may have it in his power to give of the irregularity with which the Accounts of the Colony, during his temporary charge of the Audit Office, appear to have been examined. I am &c.

(Signed) R. W. HAY.

P.S. Colonel Munroe's address is, "Messrs. Hopkinson's, Regent Street."

[Copy.]

Ordinance of His Excellency the Governor in Council, for assigning to the Office of His Majesty's Fiscal certain Duties specially to be entrusted to his Charge, and for separating therefrom the Administration of the Police.

Whereas His Excellency the Governor in Council has taken into serious consideration the various Duties which are at present attached to the Office of His Majesty's Fiscal in this Colony, and the impossibility, under the encrease of Business which has taken place within the last few years, that any Officer, however zealous and laborious, can attend to such extensive Duties, either with satisfaction to himself or with advantage to the Public interests :

And whereas His Excellency in Council has deemed it expedient, that the Administration of the Police shall henceforth be entirely separated from the Office of His Majesty's Fiscal, and shall be entrusted to the charge of an Officer to be specially appointed for the purpose :

It is hereby enacted and declared, that the Duties of His Majesty's Fiscal shall, from and after the 1st of the ensuing month of November, be limited as follows :

1st. He shall aid and assist the Government with his Advice on all Points of Law, and shall prepare the Drafts of all Legislative Acts proposed to be submitted to His Excellency the Governor in Council.

2nd. He shall act as Public Prosecutor in Criminal Cases, where the Offence is Capital, or committed by the Landdrost, or other Chief Magistrate within the jurisdiction of the District over which he presides, in whatever part of the Colony such Offences shall have been perpetrated ; and in all Criminal Cases of whatsoever nature, committed within the jurisdiction of Cape Town, with the exception of such Offences as are specified in the third Section of the Crown Trial, and which are cognizable before one Commissioner of the Court of Justice. Provided, however, that in all Capital Crimes committed within the several Districts of this Colony, or the Residency of Simon's Town, the preliminary investigation and the usual proceedings, as heretofore practised, shall be taken by the respective Landdrosts or Resident ; and that in the Prosecution of such Cases, His Majesty's Fiscal shall be assisted by the Advocate for the Country Districts.

3rd. He shall have the right of prevention in all other Criminal Cases committed throughout the Colony.

4th. He shall also act on the part and on behalf of Government, in all Revenue or Civil Causes, wherein the Government may be concerned either as Claimant or Defendant, except in the recovery of Fines, Penalties, &c. for contravention of Police Regulations, which duty will remain with the Superintendent of the Police.

5th. In all the aforesaid duties he shall be assisted by his Deputy (being one of the Class of Advocates), to whom he shall have the Power of entrusting all such Cases as may be brought before Two Commissioners of the Court of Justice.

6th. And it is further enacted, that so much of the Proclamation of the 3rd July, 1818, which declares, that the Deputy Fiscal shall, *ex officio*, act as Advocate for the Landdrosts of the several Districts in this Colony, and the Resident

of Simon's Town, in the prosecution of Criminal Cases, be repealed ; and that such Officer be charged with the duties thereof, as shall hereafter be especially appointed thereto by Government, save and except in Capital Cases in the Districts, which are provided for, as before-mentioned.

7th. And be it further enacted, that the Duty of administering Oaths and taking Affidavits, which has hitherto devolved on His Majesty's Fiscal, or his Deputies, shall henceforth devolve on the Sitting Commissioner from the Court of Justice, to whom the Parties wishing to make Oath are in future to apply.

8th. And it is hereby finally enacted and declared, that no Fee whatever, nor any Allowance which may heretofore have been authorised to be taken by His Majesty's Fiscal, or his Deputies, arising from the Prosecution of Criminal or Civil Matters, or from Shares of Fines, Confiscations, Penalties, &c. shall henceforth be taken or received by the said Officers, or by any other Persons acting under them ; but that all such Fees which may be authorised by Government, and all such Shares of Fines, Confiscations, Penalties, &c. as above-mentioned, shall be carried to the Account of Government, and paid into the Colonial Treasury.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope, this 10th Day of October, 1825.

By Command of His Excellency the Governor.

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council.

(Signed) P. G. BRINK, Acting Clerk of the Council.

[Copy.]

Ordinance of His Excellency the Governor in Council, for Appointing an Officer to be entrusted with the Administration of the Police, and the Prosecution of Police Cases, arising within the Jurisdiction of Cape Town.

Whereas by the Proclamation, or Ordinance, of His Excellency the Governor in Council, under this day's date, it was decreed, that the Administration of the Police, which had hitherto been attached to the Office of His Majesty's Fiscal, should henceforth be separated therefrom: It is hereby enacted and declared, that from and after the 1st of the ensuing month of November, the Administration of the Police within the jurisdiction of Cape Town shall devolve upon an Officer to be expressly nominated by His Excellency the Governor for that purpose, under the Title of "Superintendent of Police," who shall be, and he is hereby invested with all the Powers and Authority hitherto granted to His Majesty's Fiscal, in Police matters, and who shall, in conjunction with the Deputy who may be appointed to assist him, be charged with the several Duties hereinafter specified, within the jurisdiction above-mentioned.

1st. He shall use his utmost endeavours for the suppression of Riots, and all other Breaches of the Peace.

2nd. He shall hear Complaints and take Informations in a summary way, respecting all Crimes and Transgressions of the Laws, and shall report the same to His Majesty's Fiscal, in order that the Offenders may be dealt with according to Law—with the exception of such Offences as are specified in the third Section of the Crown Trial, as cognizable before one Commissioner from the Court of Justice, in which cases the Superintendent of Police, or his Deputy, shall bring the Offenders, with all the information he can procure on the subject, before the said Commissioner.

3rd. He shall cause to be removed all Public Nuisances, and attend to the state and cleanliness of the Public Streets.

4th. He shall maintain Peace and a proper degree of Decorum in all Public Places, and in all lawful Assemblies, Societies, Clubs, &c.

5th. He shall, in concurrence with the Commanding Officers of His Majesty's Ships stationed in Table Bay, with the Captain of the Port, and with the Chief Searcher of Customs, maintain the Port Regulations relating to the Police of the Harbour of Table Bay; and in cases of Quarantine, Embargo, or other Restrictions laid on Vessels anchoring in Table Bay, he shall have the Power to establish temporary Guard Boats for enforcing the compliance with the same.

6th. He shall watch over and protect the Property of Individuals in cases of unforeseen accident by Fire, Inundation, Shipwreck, or otherwise.

7th. He shall superintend the conduct of all Foreigners, and see that the Laws and Regulations, with regard to their Residence in this Colony, be strictly complied with.

8th. He shall maintain the Police Laws and Regulations relative to Hottentots, Free Blacks, and Slaves.

9th. He shall cause to be imprisoned all Vagrants and other Offenders, who, according to Law, should be taken into custody.

10th. He shall superintend the internal Management of the Prisons, and the general Allotment of the Convicts to such Public Works, to which, by their Sentence, they may be assigned.

11th. He shall, in concurrence with the Burgher Senaté, maintain Order, and superintend the Regularity of the Dealings in the Public Markets, and in all Taverns and other Public Houses for the Sale of Eatables, Drinkables, &c. and in all Retail Shops.

12th. He shall, in like manner, see that the Laws and Regulations respecting the Hire of Coolies, Boats, Waggons, Horses, Cattle &c. be complied with.

13th. He shall also superintend the Registry of all Births and Deaths, as well as of all Licences, Contracts, Permissions, &c. which have hitherto been required by Law to be registered in the Office of His Majesty's Fiscal, and shall further act in all other matters of Police not herein specified.

14th. He shall report to the Sitting Commissioner all cases of Arrest or Imprisonment, within 24 hours of the period of the Arrest or Imprisonment, who shall decide thereon according to the circumstances of the case; and it is hereby declared

illegal for him to detain any one in Arrest beyond that period, unless reported as above directed.

15th. And it is further enacted and declared, that it shall be unlawful for the Superintendant of Police, and for all Persons acting under him, to take any Fee or Gratuity whatsoever, beyond such Public Fees as may be authorised by Government to be taken in the Department of the Superintendant of Police, and which shall be carried to the Credit of Government—excepting therefrom such Fees only, as hitherto have been received by the subordinate Officers and Servants in the Police Department, for the apprehension of Deserters and the transportation of Prisoners from one place to another, within the limits of this Colony.

16th. And with a view to enable the Superintendant of Police to carry into effect the important Duties committed to his charge, it is hereby ordered and directed, that all Officers in the Country Districts, and in the Residency of Simon's Town, exercising the Duties of Executive Police, shall correspond with the Superintendant of Police on all matters requiring his knowledge or interference, and shall attend to all applications or matters of Police which may be made to them by the said Superintendant.

17th. And it is hereby further required and commanded, that all His Majesty's liege Subjects in this Colony be aiding and assisting to the said Superintendant of Police, when called upon, in the lawful execution of the Duties with which he is hereby entrusted.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King!

Given at the Cape of Good Hope, this 10th Day of October, 1825.

By Command of His Excellency the Governor.

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council.

(Signed) P. G. BRINK, Acting Clerk of the Council.

[Copy.]

Ordinance of His Excellency the Governor in Council, for abolishing the Duty of 2½ per Cent. levied on Moveable Property bought in at Public Auction; and for reducing from 2½ to 1 per Cent. the Duty levied on Immoveable Property bought in at Public Auction, if disposed of by Private Contract within Six Weeks after such attempt at Public Sale.

Whereas it has been represented to His Excellency the Governor in Council, that it would be injurious to the Mercantile Interests, as well as to the Revenue accruing to Government, if the Duty of Two and a Half per Cent. levied under the Proclamation of the 2nd May, 1806, on Moveables bought in at Public Sales, were continued to be exacted : And whereas it has been also found expedient, that the Duty of Two and a Half per Cent. on immoveable Property exposed to Public Sale and bought in, if the same be disposed of by Private Contract within six weeks after such attempt at Public Sale, should be reduced :

Be it therefore enacted, that the 1st and 2nd Sections of the Proclamation of the 2nd May, 1806, wherein it is directed, that on all moveable Property exposed to Public Sale and bought in by the Owner or Proprietor thereof, One Half of the usual Duties are to be levied,—and that the Whole of the Vendue Duties are to be levied on immoveable Property, which having been exposed to Public Sale and bought in by the Owner or Proprietor thereof, may be disposed of by Private Sale within six weeks from the day on which it was offered for Sale at Public Auction, shall be, and the same are, hereby repealed.

And be it further enacted, that from and after the date of this Ordinance no Duty shall be levied on moveable Property exposed to Public Sale and bought in by the Owner or Proprietor thereof ; and that in case of the Sale of immoveable Property, if the same shall have been exposed to Sale at Public Auction, and being bought in by the Owner or Proprietor thereof, shall be afterwards disposed of by Private Contract within six weeks from the day it was offered for Public Sale,

then an Auction Duty of One per Cent. only shall be levied on the amount for which the same has been disposed of by Private Contract, in lieu of Two and a Half per Cent. as has been heretofore usual.

And that no Person may plead ignorance thereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope, this 10th Day of October, 1825.

By Command of His Excellency the Governor.

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council.

(Signed) P. G. BRINK, Acting Clerk of the Council.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE OF GOOD HOPE, 10th October 1825.

MY LORD,—Since we had the honor of addressing your Lordship on the 30th September, the papers that we have now the honor to enclose have reached us, and we avail ourselves of a few days delay in the departure of H.M. ship *Espiègle* to offer them to your Lordship's perusal in confirmation of the observations we have made upon the impolicy of placing the native Dutch Boers in the neighbourhood of the Caffre Tribes.

The Field Cornet Van der Nest, to whom allusion is particularly made in the papers, has been distinguished by his activity in retaliatory expeditions against the Caffres, and the enclosed letters from Colonel Scott relate to the conduct of the same Field Cornet in the year 1822, by which the tranquillity of the Frontier was disturbed.

As some doubt seems yet to remain respecting the motives

by which he was actuated on the present occasion, it is our intention to make further inquiry upon the subject.

We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from the SECRETARY TO GOVERNMENT *to* R. WILMOT
HORTON, ESQRE.

CAPE OF GOOD HOPE, 10th October 1825.

MY DEAR SIR,—I have already troubled you so much with official business that I must apologize for alluding to my private affairs.

On my first arrival here I found a great difficulty in getting a suitable residence in Cape Town, owing to the exorbitant rents asked for houses, and I was looking out for the purchase of some place in the country when I collected from a conversation I had with the Commissioners of Enquiry that they had remarked on the inconvenience arising from the Heads of Departments residing in the country instead of in Cape Town.

Upon this hint I determined to set the example, and I laid out every shilling I had in the world in purchasing a good substantial house in town, for which I paid £4,500.

I have since learnt from the Commissioners that they have in their report recommended that the Chief Secretary should have an official residence allotted to him in Cape Town, in lieu of house rent, in order to remove effectually the inconvenience of his constant residence in the country, which was the case with my predecessors and many other heads of Departments, owing principally to the high price of house rent in Cape Town.

Should this proposal of the Commissioners be approved of by Earl Bathurst, I have to request, and I think it is a fair request to make, that should my house on inspection be found to be a suitable residence and a good substantially built property, at a moderate price, the Government may be

authorized to purchase it in preference to any other for my official residence, at the price which it cost me, and I shall have no objection to take the amount in Debentures payable at any time that may be convenient.

Should Government not deem this purchase advisable, I have only to beg you will be good enough to represent to Earl Bathurst the total incompetence of the house rent allowed to the Chief Secretary, since the depreciation of the currency, to provide a residence for him. The house rent was originally fixed when the dollar was 4s., at 2000 rixdollars, or £400 a year; it is now according to the fixed exchange £150. The Commissioners of Enquiry will I am sure confirm what I say, from their own personal experience of the high price of house rent here.

It is absolutely necessary, for the sake of health, to leave Cape Town in the hot months. The consequence is that from having purchased a house there I am obliged to have a summer residence besides, and I can only assure you that my present house rent costs me annually £450 a year.

The Governor has three houses allotted to him. My predecessors have all had grants of land, prize negroes and apprentices, loans &c., which have kept them up, but I have nothing of the kind, and every article here of labour &c. is so ruinous that I really cannot save one shilling from my salary. I would not trouble you had this not been the case.

I have &c.

(Signed) RICHD. PLASKET.

[Original.]

Letter from JOHN BARROW, ESQRE., to R. W. HAY, ESQRE.

ADMIRALTY OFFICE, 10th October 1825.

SIR,—In reference to former communications respecting the passage for Major General Bourke, his family, &c. to the Cape of Good Hope on board His Majesty's Ship *Rainbow*; I am commanded by my Lords Commissioners of the Admiralty

to acquaint you, for the information of Earl Bathurst, that their Lordships have ordered the Navy Board to cause such fittings to be put up in the said ship at Chatham, (from which place she is about to proceed to Portsmouth,) as may be necessary for the accommodation of those passengers, so that the ship may not be detained for the same, on her arrival at Portsmouth. I am &c.

(Signed) JOHN BARROW.

[Copy.]

*Letter from DR. JAMES BARRY to the SECRETARY TO
GOVERNMENT.*

COLONIAL MEDICAL INSPECTOR'S OFFICE, 10th October 1825.

SIR,—I have duly received the letter you did me the honor to address to me, dated the 4th Instant, in which I am informed that the contents of my Letter of the 3rd added to other circumstances which have lately passed with reference to my duties as Colonial Medical Inspector have impressed upon His Excellency the Governor the impropriety of any one Individual being entrusted with the sole management and controul of the Colonial Medical Department here, and that he has therefore felt it necessary to propose to Council that the duties of that Department be henceforth carried on by a Committee according to the original intention of the Colonial Government in 1807. In reply to which I beg you to do me the favor most respectfully to assure His Excellency of my entire willingness to conform to any arrangements which are deemed necessary for the conduct of the Department of the Colonial Medical Inspector, but I beg leave at the same time to be excused from admitting that any necessity for the arrangements to which you allude can be drawn from the letter addressed by me to you on the 3rd Inst., or out of any circumstances connected with letters to which such necessity is partly ascribed in your reply. I have &c.

(Signed) JAMES BARRY, M.D.,
Col. Med. Inspector.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 11th October 1825.

MY LORD,—Having called upon Sir Rufane Donkin for an explanation of the circumstances under which certain sums of money appear to have been irregularly advanced, under his authority to a person named Waldegrave, and to the Commissariat Department, as stated in your Excellency's dispatch of the 5th July last ; My Under Secretary of State has received the enclosed communication from Sir Rufane, from which your Excellency will perceive that the blame which attaches to these irregularities, properly falls upon the late Colonial Secretary, and on the Receiver General, and I take this opportunity to express my earnest hope that the issue of monies from the Colonial Chest has been placed under Regulations which will render the recurrence of such irregularities impossible. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from LIEUTENANT-COLONEL SOMERSET *to the* SECRETARY TO GOVERNMENT.

GRAHAM'S TOWN, October 11th 1825.

SIR,—I have the honor to forward to you my reply to Mr. Francis's observations.—I have &c.

(Signed) HENRY SOMERSET.

[Enclosure in the above.]

Memorandum in reply to MR. FRANCIS'S *Observations.*

GRAHAM'S TOWN,
CAPE OF GOOD HOPE, October 11th 1825.

When Mr. Francis was placed on his location on the 11th October 1820, the Land Surveyor was present, and by the 15th he had pointed out to Mr. Francis his boundaries. Mr.

Francis was I believe placed on his location by Mr. Heemraad Niekerk, who had been appointed by Landdrost Cuyler to place certain parties on their locations.

I had nothing to do with locating Mr. Francis, my attention at the time being occupied with the Settlers in a different part of the district ; when I had finished the duty that called my attention, I repaired to Mr. Francis's location. It appeared that Mr. Francis had the quantity of land to which he was entitled. He certainly expressed a desire for more land, but that could not be granted him without removing a Farmer of the name of Rensburg.

Mr. Francis's desire for an extension of Land was referred to Landdrost Cuyler. I am not prepared to state what steps were taken by the Landdrost, as I only acted under Colonel Cuyler ; it was not in my breast either to refuse or recommend Mr. Francis's application for an extension of Land. I considered Mr. Francis's location was a very advantageous one, and he appeared very anxious not to be removed from it.

The Settlers in general were located in Spots designated by the Colonial Office, without the local knowledge or information of the Landdrost being referred to ; mistakes may therefore have occurred, but I am inclined to believe this was not so in Mr. Francis's case, as the Surveyor was on the spot.

Mr. Francis's interests were never neglected by me, he came either to my House or my Office as it suited him, and I always transacted the business on the Spot ; he and many others had access to me at any moment by day or by night.

(Signed) H. SOMERSET.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 12th October 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 12th July last, enclosing a communication from the Landdrost of Albany in which it is suggested that a strip of land situated between the Missionary

Establishment at Theopolis and the late Lieutenant Colonel Fraser's Estate might be given to that Institution; and I have to acquaint your Excellency that if the Missionaries should be willing to accept a grant of the land in question, upon the condition of not further extending their possessions by purchase or otherwise, without the leave of your Excellency's Government, I shall be prepared to sanction the grant of this land to them. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 12 October 1825.

MY LORD,—I beg leave to transmit for your Lordship's information Copy of a letter from the Commanding Officer of Engineers on this Station, to my Military Secretary, enclosing a correspondence that has passed with the Board of Ordnance on the subject of certain Services ordered to be effected in the Military Posts on the Frontier of this Colony, and the payment of which has been disallowed by that Board.

I have only to remark, upon this subject, that without drawing upon His Majesty's Treasury, it will be quite impossible in the present state of the Finances of this Colony, to defray the Expences attendant upon the Military Services, from the Colonial Treasury. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

ROYAL ENGINEER OFFICE,
CAPE OF GOOD HOPE, 7th October 1825.

SIR,—I have the honor to enclose to you a letter received by me on the 3rd Instant from Lt. Colonel Mann, dated 15th June last, transmitting by the order of the Inspector General of Fortifications, a correspondence from the Board of Ordnance,

upon the subject of certain Services ordered on the Frontier of the Colony, and I am to request you will be pleased to lay the same before His Excellency the Commander of the Forces.

I have &c.

(Signed) W. C. E. HOLLOWAY, Major and Com. Rl.
Engineers.

Captain Fitzroy, Military Secretary, &c., &c.

[Enclosure 2 in the above.]

84 PALL MALL, 15 June 1825.

SIR,—Referring to your letter of the 31st December last, I am directed by General Mann, to transmit for your information and guidance a Copy of the Board's Order dated the 20th ultimo, with an annexed copy of the General's Report therein referred to. I am Sir &c.

(Signed) CORNS. MANN.

The Commander Royal Engineers,
Cape of Good Hope.

[Enclosure 3 in the above.]

OFFICE OF ORDNANCE, 20th May 1825.

SIR,—Having laid before the Board Sir Alexr. Bryce's letters of the 19th ultimo and 6th Instant, reporting upon the Board's reference, of a communication from the Ordnance Storekeeper at the Cape of Good Hope, covering a correspondence respecting certain services ordered by the Commander of the Forces, to be performed at Kaka Post on the Frontier, I have it in command to acquaint you, that the decision of these expences, between the Colony and this Department, is yet undecided, and that no part of this expenditure will, till further orders, be allowed in the Ordnance Accounts.

I have &c.

(Signed) WM. GRIFFIN.

General Mann.

[Enclosure 4 in the above.]

84 PALL MALL, 6th May 1825.

SIR,—I am directed by General Mann to return a letter from the Ordnance Storekeeper at the Cape of Good Hope, covering a correspondence respecting certain services ordered by the Commander of the Forces to be performed at Kaka Post on the Frontier, which was referred by the Board's Minute of the 2nd Inst. to General Mann for report, and I am desired to state, that a Report and Estimate for the Service, from the Commanding Engineer at the Cape was forwarded from this Office for the information of the Board, on the 19th ultimo. I have &c.

(Signed) ALEXR. BRYCE.

Wm. Griffin, Esqre.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 12th October 1825.

MY LORD,—Although no communication is yet arrived from Your Lordship, I have received through the medium of Lord Edward Somerset, a Petition presented on the 18th June last to the House of Commons from Bishop Burnett, containing the most atrocious calumnies against my honor and character. Your Lordship will therefore excuse my transmitting to you, uncalled for, such refutations of the contents of this Petition as I have been able hastily to gather together in time for the sailing of His Majesty's Sloop *Espiegle*, which my Aide de Camp Lieut. Rutherford of the Royal Engineers will have the honor to deliver to Your Lordship, and to whom I beg to refer Your Lordship for any further explanations that you may require.

I have only to add My Lord, that I court the fullest investigation of every part of my conduct in the administration of

this Government, convinced that the more deeply it is investigated, the more I shall entitle myself to Your Lordship's favorable representation of my conduct to His Majesty.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[The Annexures to this Despatch are given elsewhere.—
G. M. T.]

[Copy.]

Letter from R. W. HAY, ESQRE., to GEORGE HARRISON, ESQRE.

DOWNING STREET, 12th October 1825.

SIR,—With reference to my communication of the 29th ultimo, transmitting originals of two dispatches from Lord Charles Somerset, and other documents relating to the measures which have been adopted at the Cape of Good Hope for introducing the British currency into that colony; I am directed by Earl Bathurst to transmit to you, for the information of the Lords Commissioners of His Majesty's Treasury, another dispatch which has been received from Lord Charles Somerset, together with a statement showing the disposal of the fund of 500,000 rixdollars created by his Lordship's predecessor, Lord Howden. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 12th October 1825.

SIR,—I am directed by Earl Bathurst to transmit to you copy of a dispatch which has been received from the Governor of the Cape of Good Hope, representing the necessity of sending out from this Country new Dies for Stamping the Papers, used in that Colony as Stamps, and I am to convey to

you his Lordship's authority for procuring and forwarding to the Cape with as little delay as possible the necessary supply required, together with two Machines for working them, and which Lord Charles Somerset requests may be made so as to require as little exertion as possible. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 12th October 1825.

SIR,—I am directed by Earl Bathurst to convey to you His Lordship's authority for providing and forwarding to the Cape of Good Hope by the first convenient opportunity seven Clocks and two Bells of the description and size pointed out in the accompanying letter to you from Sir Richard Plasket: the expense of which, his Lordship has decided shall fall upon the Colonial Government. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from SIR JOHN TRUTER to LORD CHARLES SOMERSET.

CAMP GROUND, October 12th, 1825.

MY LORD,—Having attentively perused the petition which Mr. Bishop Burnett, who came out as a settler to this colony, has addressed to the House of Commons, and which was transmitted to me in order to examine and report upon its contents, as far as relates to the administration of justice, and having carefully compared the several heads of complaint contained in the said petition with the records and other documents relating thereto, and deposited in the offices of the secretary to the Court and the sequestrator, I have not been able to trace a single circumstance in support of the petitioner's

complaints against the judicial authorities in the colony ; and this will, in my humble opinion, not be subject to any doubt when the documents and reports of the authorities concerned shall have been laid before your Excellency. As, however, the regular collection and arrangement of these documents and reports will require some time, and as your Excellency might wish to know beforehand what you have to expect from a full inquiry, I beg leave to lay before your Excellency the summary result of what I have been able to learn from the preliminary perusal and examination of the above-mentioned records and other documents.

I have numbered the several paragraphs of Mr. Bishop Burnett's petition, and stated my remarks on the 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, and 13th.

Ad § 4.

Mr. Bishop Burnett, shortly after his arrival in the colony, hired, on the 26th May 1820, of Mr. Hart a farm, situate in the vicinity of Graham's Town, at the rate of 600 rixdollars per annum, and bought in June following, from the same Mr. Hart, some oxen, sheep, and barley, amounting together to a sum of 905 rixdollars. For the payment of this money Mr. Hart seems to have pressed Mr. Burnett in the beginning of 1821, it appearing from a note of Mr. Burnett, dated January 10th, 1821, that he objected to the payment of that sum, on a plea that the goods had been sold on a credit of 12 months. In February 1821, a summons was served on Mr. Burnett to appear on the 8th March following before the Court of Justice for the payment of the above sum of 905 rixdollars. Mr. Burnett, on the 24th February 1821, executed a bond of assignment, making over to one of his creditors, Messrs. Ebdon and Eaton, the whole of his possessions and property, consisting of stock, implements of agriculture, household furniture, plate, and whatever other property he might be possessed of. On the 8th March, Mr. Burnett did not appear before the Court of Justice, nor did he on three ensuing summonses ; the last of which was, *ex superabundanti*, to appear on the 26th July 1821, when Mr. Hart obtained judgment by default for his oxen, sheep, and barley.

This sentence having been forwarded to the landdrost of Albany for execution, Mr. Burnett was called upon to point out what property he had to cover the sentence, when, on the 31st October 1821, he declared that he had no property, moveable or immoveable, *credits* or otherwise, in this colony, which could cover the sentence, every thing he occupied having been transferred to Messrs. Ebden and Eaton ; which declaration, together with the sentence, having been returned to the sequestrator, this officer desired that Mr. B. Burnett should swear to the truth of his said declaration, which consequently he did before the landdrost of Albany, first, in January 1822, for the sentence of Mr. Hart, and in March following for a sentence on behalf of Mr. Devenish ; and hereupon the sequestrator seems to have been led to publish, in April 1822, that Mr. Burnett was insolvent.

From this statement it appears,—

a, That Mr. Hart's claim had no connection whatever with Mr. Burnett's expenditure on the premises.

b, That Mr. Burnett's assignment of all his property to Messrs. Ebden and Eaton was made when he had other just debts to discharge.

c, That judgment passed by default without any other form than the serving of summonses, which no civilized man can plead ignorance of.

d, That Mr. Burnett never tendered to the landdrost a claim upon the commissariat, but, on the contrary, declared that he had no credits ; and,

e, That the publication of Mr. Burnett's insolvency took place, *not immediately*, but nearly six months after the sentence in favour of Mr. Hart had been presented to him for payment, and after he (Mr. Burnett) had repeatedly declared on oath that he was unable to pay.

Ad § 5.

Arbitrarily suspended.—The suspension of the sale took place upon a written proposal of Mr. Bishop Burnett to settle with his creditors, dated 12th June 1822, with the consent and concurrence of Mr. Eaton, the principal creditor for the firm of Ebden and Eaton, and therefore cannot be termed arbitrary by Mr. B. Burnett.

The persons entitled to throw any blame upon the colony set to any the s
trator were Mr. Hart and other creditors of Mr. Brities conc ume
which regard, however, it may not be considered. As, how^d an
observe, that Mr. Burnett's property in the colony ese docum not
sufficient by far to face his debts, it was the interest. Excellent
creditors to listen to any proposal promising addirect f-
security.

The proceedings were left in complete abeyance for two years.—
From the documents to be forwarded to your Excellency, it
will appear that Mr. Burnett is to be considered as the chief
cause of the delays which took place, and that he protracted
the final settlement in spite of repeated remonstrances of his
creditors.

*Judicial declaration of a Commission of Circuit that the
proceedings were in error, &c.*—Such declaration does not
appear on record; and should the same have fallen from the
Court of Circuit in 1822, nothing but misrepresentation color
have led to it, because the sequestrator, in suspending the sale
had been acting on the ground of Mr. Burnett's own request
and with the concurrence of his principal creditors, Messrs M
Ebden and Eaton; whilst with regard to his solvency or its
solvency, the documents will prove that there can hardly be
any doubt but that Mr. Burnett never possessed so much
property in the colony as to be able to pay his debts at any
time.

Ad § 6.

*To compel something like decision on the part of the colonial
government.*—The colonial government had nothing to do with
the judicial conduct of Mr. Burnett's proceedings. Every
action Mr. Burnett wished to institute, as well in 1823 as
before, was received by the district clerk, and was admitted
by the Court of Circuit, after having, with his own consent,
been classed under proper heads.

Unfortunately Mr. Burnett's actions, for the greater part,
proved unfounded, and were followed by unfavourable judg-
ments, against which he lodged an appeal, without, however,
having prosecuted the same, although he might have done so
without any expense.

A Report of the judges who composed the Court of Circuit

in 1823, will throw the necessary light on the detail of the proceedings between Mr. Burnett and Mr. Hart and the sequestrator.

Ad § 7.

The inference that the decisions of the Court of Circuit had been dictated by the colonial government has not only no foundation whatsoever, but must be considered as a malicious contrivance, in order to give some colour to his unwarrantable assertion of a departure from justice against two judges, who it would be utterly impossible otherwise to place in any aspect of partiality towards Mr. Burnett, a person entirely unknown to them, and in behalf of Mr. Hart, a man with whom, as I am credibly informed, neither of the judges had any intercourse.

Your petitioner was universally considered an aggrieved and persecuted man.—Mr. Burnett assumes here a character which I never heard he bore in the colony. Both under your Excellency's administration, and that of Sir R. S. Donkin, Mr. Burnett's letters to the colonial government represent him rather as a turbulent man. It would be difficult for Mr. Burnett to prove that the road of justice has not been constantly as open to him as to any one else, and his not following it justifies a presumption against the goodness of his cause, since not only he might have proceeded here without any expense, but also had a right, in case of failure, to bring his case before His Majesty in Council.

Ad § 8 and 9.

The regular mode of proceeding in this case, for the petitioner, would have been to prosecute his appeal before the competent court. What reason could the petitioner have to charge the whole Court of Circuit with intolerable oppression? Are not oppression, corruption, partiality, injustice, crimes of a most heinous nature in a judge, and ought they not to be proved, in order to justify in any government a departure from the common rules of the administration of justice? Do not the recorded proceedings of the Court of Circuit, upon which alone Mr. Burnett has founded his proof, evince the contrary? Under these circumstances your Excellency was in duty bound

to protect the Court of Circuit against the most wanton and malicious attack that was ever made in this colony against the proceedings of any court of justice. The construction of Mr. Burnett's application to your Excellency into a libel, and the punishment of banishment by two judges of the Court, will hereafter be proved perfectly agreeable to the colonial law ; of which Mr. Burnett cannot have any reason to complain, since, by his not appealing to the Court of Appeals, he has shown his acquiescence in the dictates of that law, which he has so ignorantly lacerated in his petition.

To this I beg leave to observe, that the Governor's referring any case to His Majesty's fiscal for prosecution, does not bind the fiscal to prosecute if he has no law before him in support of his so doing, much less is the Court before which the fiscal carries on a criminal prosecution bound by any reference to pass a condemnatory sentence, when it has no law to go by. Of this the petitioner himself has adduced a clear proof in contrasting § 9, his case, and that of Mr. L. Cooke.

Ad § 10.

The malice of the petitioner in what he states in this section exceeds all bounds, as will appear when His Majesty's fiscal shall have sent in his report upon the particulars. Suffice it now to state, for the sake of general information, that all searches in the dwellings of burghers and inhabitants are regularly made with the *fiat* of the Governor, and the assistance of a Commission from the Court of Justice ; but that they initiate with the fiscal, who addresses a letter to the Governor, stating the necessity of a search, and requesting his Excellency's *fiat*, which in the ordinary course of things is granted upon the strength of the fiscal's suspicions, when the letter thus *fiated* by the Governor is presented by the fiscal to the chief justice or president of the Court, who appoints a Commission, in whose presence the search is to be performed.

As to the illegal retention of papers, whereby the petitioner states that his prosecution has been vexatiously protracted, it has appeared to me that the delay in furnishing the papers required by the petitioner cannot be construed to have been wilful, but ought to be attributed to the necessary lapse of

time for copying and translating the whole of the papers, which the petitioner pretended to stand in need of for his defence, although it does not appear that he made use of them on his trial.

The greatest delay in the proceeding appears from the minutes to have been occasioned by the tardy appearance of a witness, Mr. Staedel living at Uitenhage, whose evidence Mr. Burnett declared to be indispensable.

Ad § 11.

A sentence of banishment from the colony regularly contains a clause of imprisonment until an opportunity offers for the culprit's removal out of the colony. This clause was, as a matter of course, inserted in the sentence of Mr. Burnett, passed by two judges; and from that part of the sentence he appealed to the full Court, who confirmed the whole of the sentence. Mr. Burnett's appeal to the full Court suspended the effect of the first sentence, and he remained consequently at large; but having acquiesced in the sentence of the full Court, without any further appeal, it became the duty of His Majesty's fiscal to enforce the same, the knowledge of which obligation made Mr. Burnett keep out of the way until he found an opportunity to quit the colony without having been imprisoned in the mean time, which I suppose rather to be owing to an unwillingness on the part of the fiscal to use the utmost rigour of the law in a case where there was every reason to expect that Mr. Burnett would avail himself of the first opportunity to comply with the principal sentence, than to any other motive. I at least attributed the non-imprisonment of Mr. Burnett to that motive, and I truly believe that I mentioned the circumstance to your Excellency, and that your Excellency made no unfavourable remark on it.

As to the seizing of Mr. Burnett's papers by His Majesty's fiscal, I beg to refer to what I stated ad § 10th; whilst, as to the particulars, it is to be expected that the fiscal's report will place this measure in its proper light, and show that your Excellency's caprice had no share whatever in it.

What the petitioner states of nine causes in appeal before the Court of Justice is entirely erroneous, no appeal lying

from the decisions of the Court of Circuit to the full Court, but only to the High Court of Appeals.

Ad § 12.

Here it may not be amiss to observe that Mr. Burnett, throughout his petition, has not only not developed the whole of the circumstances which attended his so called persecution, but that he even omitted all dates ; which circumstance is the more remarkable, because by referring to the date of every circumstance, and linking by that means the whole regularly together, Mr. Burnett's case becomes quite the reverse of what has been asserted in his petition ; and as the documents containing this information have not been prepared for the occasion, they may be considered as the best and strongest evidence that can possibly be adduced.

Ad § 13.

Mr. Burnett could never have selected a more appropriate example to illustrate the character of the judicial procedure at the Cape, than the case of Mr. L. Cooke and his own. The contrast in these cases proves, that a condemnation is not the inseparable consequence of a reference of the Governor of any case to His Majesty's fiscal for prosecution. Mr. Burnett assumes, as a cause of a different decision in his case from what it had been in the case of Mr. L. Cooke, that Mr. Cooke stood neuter with the colonial government, and that he himself was unfortunately in a different predicament. But not a shadow of probability is to be found for such an assumption, and therefore it is but justice to recur to the nature of the two cases, in which the obvious reason is to be found for a difference of decision, namely, that the petition of Mr. Lancelot Cooke admitted a construction of grievance and complaint, without an apparent intention to calumniate ; and in addition, contained facts which might be made a subject of previous inquiry : whilst Mr. Burnett's memorial to your Excellency contained nothing but the most criminating invectives, without even stating facts which could warrant in any degree a conclusion to them, or in fairness be said to

admit a favourable construction. The memorial moreover having been addressed to the same authority from which Mr. B. Burnett might have obtained redress through a regular law proceeding, without expense, and with a right in case of failure to bring his case before His Majesty in Council, excluded every idea of his having had no intention to calumniate.

I have &c.

(Signed) J. A. TRUTER.

[Copy.]

Letter from MR. WILLIAM PROCTOR to CAPTAIN HARE.

DROOGE VALLEY, CAPE OF GOOD HOPE, *October 12th 1825.*

SIR,—In reply to your enquiries as to the result of my Horse breeding in this Colony, I have to state that on a reference to my books altho' I purchased eight thorough-bred mares of Captain Christopher of the *Charles Mills*, which cost me £2,500 Sterling, also the three following thorough-bred stallions, Rhoderick Dhu, purchased of Captain Christopher for £350 Sterling, a black horse bred by his Grace the Duke of Rutland and purchased by me of Captain Mortlock of the *Lowther Castle* for £400 Sterling, and the other Yappie, purchased from Mr. Martinus Theunissen for 4,500 Rixdollars (which horse had been imported by His Excellency Lord Charles Somerset) my profits on Horse breeding have amounted to one hundred and ten thousand Dollars and my profits from Yappie alone exceed 29,000 Dollars independent to my having twenty thorough-bred fillies got by him out of my English mares. I have now a stallion got by Yappie 3 years old that I have frequently refused 3,500 Dollars for. The *only serious* drawback I have experienced to my undertaking in Horse breeding has been my attempting to import a thorough bred English stallion and two thorough bred English mares which my friend Major General Pigott purchased for me in England. The horse and one mare died on the passage from England and caused me a loss of £600 Sterling.

I have no hesitation in stating that had it not been for *my profit on Horse breeding*, I never could have withstood the serious losses I have sustained in the other branches of Farming during the last five years by the visitation of successive Blights, Tempests, Droughts, &c., &c. I have &c.

(Signed) WM. PROCTOR.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 13th October 1825.

MY LORD,—I have the honor to acquaint your Excellency, in answer to your dispatch of the 13th July last, that in instructing you to assist the Scottish Community resident at the Cape, in building their proposed Church, and in providing for their officiating Minister, it was clearly my intention that the funds requisite for these purposes should be provided out of the Treasury of the Colony. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from DR. JAMES BARRY *to* LORD CHARLES SOMERSET.

October 13th 1825.

MY LORD,—Having been this morning informed by Sir Richard Plasket of an arrangement that is proposed for the future Establishment of the Department that has hitherto been under my superintendence, I lose no time in requesting to intimate to your Lordship that it will be impossible for me to reconcile to my feelings the acceptance of any subordinate place in the proposed Establishment, should it have received your Lordship's approval that such a place should be tendered to me.

In this event I beg respectfully to tender my resignation of

the Civil Situations that I hold under your Lordship's appointment, and I request to be honored with an early communication of your Lordship's final Intentions, and before they are made Public, in order that I may decide on the arrangements that will become necessary under such an alternative. I have &c.

(Signed) JAMES BARRY.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 14th October 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 18th of July last.

Although under other circumstances, I should be disposed to sanction the Establishment of a Museum of Natural History at the Cape, yet in the present state of the finances of the Colony, I should not feel myself at liberty to authorize the payment of the salary which you propose to assign to Dr. A. Smith. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., *to the* REVEREND A. HAMILTON.

DOWNING STREET, 14 October 1825.

SIR,—It being necessary to appoint a clergyman of the Established Church to the residence of Graham's Town in the Colony of the Cape of Good Hope, I am directed by Earl Bathurst to desire that you will move the Ecclesiastical Board to submit to his Lordship the name of a person who may be duly qualified to fill the duties of that situation. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the Fiscal to the Secretary to Government.

FISCAL'S OFFICE, 14th October 1825.

SIR,—Having attentively perused the Extract of the Petition addressed by Mr. Bishop Burnett to the House of Commons and published in the English Newspapers, to which His Excellency the Governor has directed you to require my report, and having divided said extract into Paragraphs as per the annexed Copy thereof, I have the honor to enclose herewith my Report to each Paragraph. I also would have annexed Copies of the Documents to which my enclosed report refers, but as I am informed that it is His Excellency's intention to forward the same immediately to His Majesty's Minister of State for Colonial Affairs, I thought it unavoidable not to incur the delay which may thereby be occasioned, and I will therefore take the next following opportunity to forward these Documents to you. I have &c.

(Signed) D. DENYSSEN, Fiscal.

[Enclosure in the above.]

Report of the Fiscal to the annexed Extract from Mr. B. Burnett's Petition to the House of Commons.

§ 1.

The Letter I received from the Colonial Secretary's Office about the end of the year 1823 on the subject of Mr. B. Burnett's Memorial to His Excellency the Governor was acted upon by me under the impression that the calumnious assertions against the Commission of Circuit which had its session at Albany in the year 1823, contained in Mr. B. Burnett's said Memorial, made him subject to my Criminal prosecution.

The Procurator General has been instructed not to institute any Criminal Proceedings merely in obedience to the Orders given him by any of the Political Authorities in the Colony, but to act upon his own persuasion and legal knowledge, and

therefore I would always have thought it my duty to decline acting upon any such directions from Government as had been considered by me incompatible with the Laws of this Colony.

§ 2.

I do not think it requisite to show the incorrectness of Mr. B. Burnett's assumption that no Dutch decree, nor any Summary Enactment of a Cape Proclamation, should be applicable to his case ; nor do I pretend to deny that in my prosecution of Mr. B. Burnett's case I have referred to the Roman Law, knowing that the Roman Law is subsidiary to the Laws of the late United Netherlands Provinces and to the Statutory Laws of East India still in force in this Colony ; but I cannot help feeling some surprize at Mr. Burnett's very extraordinary quotations from the Roman Laws. The Laws of the 10 Tables quoted by him are unknown to me, and if he has alluded to the Laws of the 12 Tables passed by the Roman Decemviri more than four Centuries before the Christian era, it may not be improper to observe that the Roman Laws referred to by me, and which I only could refer to as subsidiary to the Laws of this Colony, are the collection of Laws compiled by Order of the Roman Emperor Justinian, and sanctioned about one thousand years after the promulgation of the 12 Tables.

In this collection Mr. B. Burnett will find on proper inquiry that calumny is a crime punishable with Banishment for a time or other discretionary pains, according to the greater or less atrocity of the case (See *Pandects Lib. 47, Tit. 10, Lex 45*) and that this crime is punishable, should even the same have been committed in or under the cover of a Memorial or Petition to the Sovereign (See *Pandects tit. cod. l. 15, § 29*).

§ 3.

The protraction of his case complained of in this paragraph is partly owing to the conduct of Mr. B. Burnett, which will be proved by his own correspondence, and partly to unavoidable circumstances, and as to the retention of Papers necessary to his defence not being in any way concerned therein, I trust the Secretary of the Court of Justice will be able satisfactorily to explain the circumstances relating to such detention ; and

I am not prepared to form a just opinion of the value of these papers as a means for his defence, the same not having been produced by him in the proceedings.

But the principal complaint contained in this Paragraph to which Mr. B. Burnett has directed the attention of the House of Commons is what he calls the invasion of his house by H. M. Fiscal and attendants, under the sanction of His Excellency's Warrant, and the seizure of his Papers for the avowed purpose of implicating him in the publication of a foul charge against His Excellency.

Mr. Burnett in making this complaint alluded to the authority which has been granted me by His Excellency's Warrant of the 7th June 1824 to search his dwelling on the very strong suspicion, which then existed, and never was removed from my mind by any act of justification on his part, that he was concerned in the making and publishing of that infamous placard which even in his petition to the House of Commons he could not help mentioning with the sarcastic style of a Person who delights in such productions of the most depraved minds.

The authority which I thus obtained did not originate in any wish expressed to me by His Excellency the Governor, but application was made by me to His Excellency to obtain the same, and my application was founded :

1st. On the Sworn Evidence of three Persons, proving that the Placard had actually existed and had been published by posting it on one of the most frequented public places of this Town.

2nd. On my discovery of a Similar Placard, though not so virulent, against the Medicine Doctor Barry and other Individuals being of the very well known handwriting of Mr. Bishop Burnett. Copies of that other Placard not dissimilar in form and writing to the Placard in question (whereof a description was made in the Court by one of the Witnesses who saw the same stuck up on the Bridge opposite his dwelling) had been found at more than one public Place in Cape Town, two or three days before the publication of the placard in question. The Copy which I now allude to was found by me in a portfolio among other papers in the possession of William Edwards, who then was confined in the Town Prison, and it is very remarkable that the same was written on the back of a Sheet

of paper on which I also found the Copy of one of Mr. Edwards' publications for which he has been tried and Sentenced by the Court of Justice to transportation.

3rd. On the Sworn Evidence of Daniel Lee, who accused Mr. B. Burnett not only of accomplicity in the making and publishing of the Libel in question, but also of having suggested to his Friends Messrs. Edwards and Greig the idea of sending a Copy of it to Lady Charles Somerset in a Letter.

Having obtained His Excellency the Governor's Warrant to effect a Search in Mr. B. Burnett's dwelling with the avowed object to lay my hands on the drafts or on a Copy of the Placard in question, I did not fail to pass through the usual formality of obtaining the Court's Authority for the assistance of Commissioned Members of the Court. I then went to the House of Mr. Lucas where Mr. B. Burnett had taken lodgings, attended with one or two Commissioners of the Court, and in effecting the intended Search I believe that I have acted with a proper degree of moderation and forbearance, although I very well recollect the conduct of Mr. B. Burnett was bordering on violence. I did not seize, but I examined his papers, and not finding any draft or Copy of the Placard in question, I allowed Mr. B. Burnett to remain in the possession thereof.

§ 4.

The reason which obliged me to leave Mr. B. Burnett at large during his appeal from the Sentence of two Commissioners of the Court to the full Court was the Appeal itself, by which the Sentence of Commissioners was suspended in its operation.

§ 5, 6 & 7.

The first of these Paragraphs relates to three libellous writings composed in verse, and stated to have been composed by Mr. B. Burnett, whereof Copies were produced to me on the 18th November 1824 by Mr. D. P. Tailor, then acting as a Notary Public in this Colony. One of these libellous writings was strikingly intended to vilify the Character and public Conduct of His Excellency the Governor, and to spread distrust against his administration and dissatisfaction among the Inhabitants. The other to brand the Memory of the late deceased President of the Court of Justice, Mr. W. S. van

Ryneveld, and the third one to ridicule Mr. H. Rivers, then Landdrost of Albany, now of Swellendam. According to Mr. Tailor's statement they were all copied by his wife from the originals which were lent to him for that purpose by Mr. Bishop Burnett, who had acknowledged to him to be the author of the same, and it was in consequence of his said information that I obtained His Excellency the Governor's Warrant to search the dwelling of Mr. B. Burnett. I did not fail again to pass through the usual formalities, and went on Friday the 29th November 1824, accompanied with a Commissioned Member of the Court of Justice, to the house of Mr. Poultney, where I again examined the papers of Mr. B. Burnett, who lived in that house. In making my search I succeeded to find a Copy of the Libel against Mr. Rivers, which though acknowledged to be of Mr. Burnett's composition, was denied by him to be a Libel. No Copies of the other libels were found by me.

The case of Mr. B. Burnett for libel against the late Commission of Circuit having been decided in appeal about the same time, I might have commenced a new prosecution against Mr. B. Burnett for libel, but knowing by experience that the prosecution for libel not unfrequently defeats its own object, by giving importance and publicity to what had better be disregarded and left to oblivion, I did not think it adviseable to commence such prosecution, and I therefore gave orders for the arrestation of Mr. B. Burnett according to his condemnation.

This however he evaded by seeking concealment, which has been acknowledged by himself in his petition to the House of Commons, and as the object of his arrestation could be no other but thereby to enforce his compliance with the sentence of banishment, I avoided making application to His Excellency for searching the dwellings of such Persons as could be suspected to assist him in his said concealment, and at last having discovered through the information of Mrs. Burnett that he had taken passage in one of the ships anchored at Table Bay, and having procured certain proof that he had actually embarked, I did not think it requisite to take any further measure for enforcing his condemnation. If this is to be called the instrumentality of the Fiscal, it certainly can bear

no other reasonable construction than that I have been instrumental in seeing that the condemnation of the Court of Justice was duly complied with, and at this or any other period in the course of my prosecutions I did never allow myself to be guided by the Caprice of a Governor; although I felt myself in duty bound to assist in the prosecution of the public Character of His Excellency against the wanton and malicious assaults of such Persons as Mr. B. Burnett has unfortunately proved to be one, and not to suffer them to prepare the minds of the Inhabitants to that state of convulsion and fomentation which at last might prove detrimental to the peace and tranquillity of this Colony.

(Signed) D. DENYSSEN, Fiscal.

[Copy.]

Letter from LORD CHARLES SOMERSET to DR. JAMES BARRY.

GOVERNMENT HOUSE, CAPE TOWN, 14th October 1825.

SIR,—In answer to your letter I feel it necessary to state to you what has precisely taken place with regard to the Medical Inspectorship.

The very improper language in which you couched your official communications, and the imputations you unsparingly and unreservedly cast upon Officers of this Government, so greatly embarrassed the Government, that Sir Richard Plasket felt it his duty to submit to me the expediency of restoring the Medical Committee. I observed that it would be certainly beneficial, and that the only obstacle was my apprehension that it might hurt your feelings, as Dr. Arthur must be a Member, and as you were a Military Officer, of course he must take place of you. Sir Richard Plasket observed that he had already apprized you that if you continued to write in that strain, the consequence would be that a Committee must be appointed, to which you replied that provided it was composed of respectable persons you should have no objection, and this is corroborated by your Official Letter of the 10th Instant.

As Sir Richard however conceives from his conversation with you yesterday, that you impute to him personal motives

of hostility towards you in the proposed arrangements, which I can venture to assert he has not, and does not entertain, I shall at his request submit the whole of the correspondence that has taken place, as above alluded to, for the consideration and decision of Council. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from LIEUTENANT RUTHERFURD *to* J. FLECK, ESQRE.

GOVERNMENT HOUSE, 14th October 1825.

SIR,—A petition having been presented to the House of Commons from a person named B. Burnett, containing the foulest accusations against His Excellency the Governor, I am directed by His Excellency to transmit to you an Extract from that petition, relative to the case of Durr in Appeal, and also relative to the purchase of an English Breeding Horse from His Excellency about seven years ago.

As the purchase of the Horse was made by yourself, as the Trustee or Executor of the Estate, or with your knowledge, I have to request that you will have the goodness to call to your recollection the circumstances of the purchase and to state the correctness or incorrectness of the allegations made by the Petitioner.

You will have the goodness to state,

1st. The price given for the Horse, and 2nd whether the purchase took place prior to the decision of the Court of Appeals as stated by the Petitioner.

3rd. Whether the horse did not serve the mares of the Estate at Mr. Durr's place at Braak Fontein one complete season after he was purchased, and whether His Excellency did not permit another English Stallion to serve the mares of Mr. Durr's estate the following season gratis in consequence of his misfortune in losing his horse after one season.

I have &c.

(Signed) JAMES H. RUTHERFURD,
Acting Private Secretary to H. E. the Governor.

[Cape Town Gazette.]

Arrival of the Steam Packet.

Friday, October 14th, 1825.

We have at length the pleasure to announce the safe arrival of the *Enterprize* Steam Vessel, Capt. Johnston, from Gravesend the 3rd, and Falmouth the 16th of August. This interesting event occurred at an early hour yesterday morning. Signal having been made soon after daylight, that she was standing into Table Bay, a vast concourse of persons assembled on Green Point, and at other places from whence a view of the Bay can be obtained. The wind being light, from the southward and westward, the vessel steamed to her anchorage in magnificent style, under a salute from the Castle, which was returned by the *Enterprize* lowering, and immediately re-hoisting, her colours, and subsequently on passing near the shore, by manning her rigging, and giving three cheers.

We cannot but congratulate the Public upon this additional triumph of Art and Science over the Elements : for although the voyage has not been accomplished in the short period originally anticipated, yet we have every reason to suppose, that whatever wants or defects may have been discovered, will be supplied or remedied in future ; and we may confidently hope, that this mode of communicating with India will ultimately succeed, to the extent of every reasonable expectation.

We have been favoured with some particulars of the voyage, and what we conceive a most interesting document, an Abstract of the Ship's Log, which our Readers will find in the columns of this Day's Paper. The greatest distance accomplished in any 24 hours, was 190 miles, on the 10th of October, performed not by steaming, but by sailing. The greatest distance in the same time by steaming, was 169 miles, on the 3rd of September.

The voyage occupied 57 days, during only 35 of which the engines were employed ; and three days were passed at anchor at the Island of St. Thomas.

The Passengers, we understand, speak in the highest terms of the ability of the Commander, the Engineers, and the Crew

of the vessel ; and we hear that no inconvenience arises from extraordinary heat, noise, or motion. The accommodations are of the first description.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 15th October 1825.

MY LORD,—I have had the honor to receive your Excellency's dispatch of the 25th July last, enclosing a Memorial addressed to you by the principal persons in the Colony connected with the Wine Trade, together with your Excellency's answer to it.

As the reduction which was made during the last Session of Parliament in the duty on Cape Wine imported into this Country, was fully considered by His Majesty's Government, and determined upon after hearing all the reasons which could be urged in favor of a further reduction, either by the Inhabitants of the Colony or by those Merchants resident here, who are more immediately connected with the Trade to the Cape ; I can only express my regret, that I can hold out no expectation to your Excellency that any arrangements will, for the present at least, be made here for meeting the wishes of the Memorialists. The Growers of Wine in the Colony should be made fully aware, that it is not by any further Concession which could be made to them by His Majesty's Government, but by attending to the improvement of the quality of their Wine, that their industry will receive the most effectual support.

At the same time I beg leave to acquaint your Excellency, that I shall be ready to give my sanction to any local arrangement which you may be enabled to devise for relieving this important branch of Colonial Agriculture ; and I must leave it to your Excellency in Council to decide whether this object may not be accomplished by reducing the Export duty, more particularly that which is levied in the Wine Taster's Office, an Establishment which appears to me more calculated for the regulation of the internal consumption of that article, than

either useful or necessary in promoting the exportation of it. But if you should be of opinion that such an arrangement could not be made without exposing the Colonial Revenues to great loss, and consequently without levying some duty of a corresponding amount on Articles of foreign growth, it will be necessary, before I can grant my sanction to such an arrangement, that you should furnish me with such detailed information as would enable me to consult with the Board of Trade on the subject. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 15th October 1825.

MY LORD,—I have most sincere satisfaction in announcing to Your Lordship the safe arrival in Table Bay of the Steam Packet *Enterprise*, Lieutenant Johnston, R.N., Commander, without having met with the slightest accident on her voyage.

Although she has not answered the general expectation in regard to expedition, it appears to have arisen from causes which can be obviated in future, particularly the not having formed depots for the supply of Fuel at intermediate Stations between England and this place, and the necessity of more minute attention to correct her Trim as she is lightened by the consumption of coals, which the Captain informs me can be effected on her return Voyage. Upon the whole there appears no doubt that the Experience afforded by this voyage will in future ensure the success of this great undertaking. Your Lordship will find in the accompanying *Gazette* the account of her arrival here and an Extract from her Log. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 15th October 1825.

MY LORD,—I have the honor to inform Your Lordship that I have this day transmitted to the Lords Commissioners of His Majesty's Treasury by His Majesty's Ship *Espiegle*, Captain Wray, the accounts of this Government for the year 1824.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 15 October 1825.

MY LORD,—With reference to your Lordship's two Despatches relative to certain complaints made against this Government by Mr. Bishop Burnett, I have the honor to transmit to your Lordship a Copy of the Trial of that Individual for a Libel on the Court of Circuit, in consequence of which he was condemned by the Court of Justice to Banishment from the Colony for the term of Five Years.

That part of the Case which your Lordship has directed should be referred to the consideration of Council has been brought before it, but no decision can be come to upon it until Documents to enable it to decide shall be received from the Frontier. I shall lose no time in transmitting the result to your Lordship as soon as it shall have been disposed of in Council. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 15th October 1825.

MY LORD,—In conformity to a request made through the Landdrosts and Heemraden of this and the neighbouring District (Stellenbosch) I have the honor to transmit to Your Lordship petitions addressed to His Majesty, received this day, signed by all the most respectable and independent Inhabitants of the two Districts, in consequence of having read in the Colonial Journals the reports of the Debates in the House of Commons of the 16th and 22nd of June last.

I presume also to take the liberty of submitting to Your Lordship addresses to me presented through the same channels.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

To His Excellency the Right Honorable General Lord Charles Henry Somerset, Governor and Commander in Chief at the Cape of Good Hope, &c., &c., &c.

We the undersigned Inhabitants of the Cape of Good Hope having perused in the reports of the debates in June last in the Commons House of Parliament a Petition presented to that House from Mr. B. Burnett reflecting most unjustly on Your Lordship's character, and perceiving that the leading Members of the Cabinet had informed the House that leave of absence to return to England would be placed at Your Lordship's option, we are impelled by a just indignation excited by the calumnious and unfounded attack made on Your Excellency, and a sense of the serious and calamitous consequences that await us should Your Excellency avail yourself of the indulgence intended to be placed at your discretion to implore Your Excellency not to quit, even for a short space, a Colony in the guidance of whose affairs Your Excellency has justly endeared yourself to the heart of every well-disposed and loyal Colonist.

We are anxious My Lord to embrace this opportunity to express to your Excellency our sense of the advantages we have derived and the happiness we enjoy under Your Lordship's wise and beneficent Government, and to offer our warm and unfeigned attachment to Your Lordship's person and our veneration and esteem for your Public and Private Character, founded on long tried and intimate acquaintance with them.

Could we anticipate any injury to Your Excellency by a compliance with our request, we would readily waive our own interests and sacrifice them to those of Your Excellency, but we feel confident that Your Excellency's actions and measures need only to be truly stated to be approved. We therefore unhesitatingly repeat our prayer that you will not leave us.

Anxious however to avail ourselves of every measure which can conduce to Your Excellency remaining with us, we have ventured to address a petition to His Most Gracious Majesty, and whilst we solicit Your Excellency's indulgence to this feeble testimony of our attachment to Your Lordship, we entreat that you will cause it to be speedily transmitted to the King with whatever else may be requisite to ensure the anxious wishes of

Your Lordship's most faithful, most obedient and most humble Servants,

(Signed) A. VAN BREDa (Boshoff)
 D. G. VAN REENEN (Rhenoster Fontein)
 D. VAN REENEN, D.G.Z. (Brewery, Cape District)
 E. BUYSKES (Onderschuur, Cape District)
 W. VERSFELD (Clasenbosch, Wynberg, Cape District)
 J. J. KOTZE (Blaauwberg, Cape District)
 F. J. BECKER (Goed Geloof, Cape District)
 JOSEPH BARRY (Port Beaufort)
 THOMAS FREDERIK DREYER (Alphen, Cape District)
 W. F. VAN REEDE VAN OUDTSHOORN (Witteboomen, Cape District)
 J. P. CLOETE (Great Constantia, Cape District)
 J. N. COLYN (Constantia, Cape District)

- J. G. CLOETE (Little Constantia, Cape District)
R. A. M. CLOETE (Buiten Verwagting)
DANIEL RUSSOUW (Steenberg)
P. M. EKSTEEN (Tokai, Cape District)
IZAACK VAN REENEN, S.B.Z. (Witteboomen,
Cape District)
J. VAN REEDE VAN OUDTSHOORN (New Con-
stantia, Cape District)
H. O. EKSTEEN (Bergvliet, Cape District)
D. G. EKSTEEN (Kerstenbosch, Cape District)
H. CLOETE, Rson (Mount Pleasant, Cape
District)
J. P. L. CLOETE (Westervoord, Cape District)
J. P. DE VILLIERS, Json (Libertas, Stellen-
bosch District)
J. G. MUNNIK (The Hope at Rondebosch)
H. CLOETE, Hson (Eklenburg, Rondebosch,
Cape District)
J. W. EKSTEEN (Zorgvliet, Cape District)
W. A. VAN SCHOOR (Rondebosch)
J. R. LOUW (Soeten Valley at the Paarl)
J. W. LUTGENS (Molenvliet)
W. DUCKITT (Orange Fountain, Cape District)
J. VAN REENEN (Ganzekraal, Cape District)
J. G. FRANK VAN REENEN (Karnmelks Foun-
tain, Cape District)
T. VAN SCHALKWYK (Papenkuyls Fountain,
Cape District)
DK. SLABBERT (Long Fountain, Cape District)
J. J. KOTZE, JR. (Bonteberg, Cape District)
D. VAN REENEN (Yzerfontein, Cape District)
S. J. VAN DER SPUY (Koeberg, Cape District)
S. S. LOMBARD (Koeberg, Cape District)
N. MOSTERT (Koeberg, Cape District)
M. DE KOCK (Koeberg, Cape District)
A. S. GOBREGTS (Koeberg, Cape District)
A. DE WAAL (Cape District)
C. DE WAAL (Cape District)
J. S. KEYZER (Cape District)
D. G. TRUTER (Cape District)

A. J. LOUW, Json (Fieldcornet Cape District)
 J. A. VAN BRED A (Cape District)
 M. J. VAN DER SPUY (Cape District)
 S. J. VAN DER SPUY (Cape District)
 L. P. VAN SITTERT (Cape District)
 N. W. LOUBSCHER (Cape District)
 PETRUS LOUW (Koeberg, Cape District)
 W. A. VAN NIEKERK (Koeberg, Cape District)
 J. A. LOUW (Fieldcornet Cape District)
 ALBERTUS JOHANNES MYBURG (Cape District)
 M. L. NEETHLING, Senior (Tygerberg, Cape District)
 F. LIESCHING
 J. H. VAN EYK
 J. W. LOUW (Tygerberg)
 C. MOSTERD (Valkenburg)
 S. V. VAN REENEN (Constantia, Cape District)
 F. DUCKITT (Orange Fountain, Cape District)

[Enclosure 2 in the above.]

May it please Your Gracious Majesty that we the Under-signed Inhabitants of the Cape of Good Hope humbly approach Your Royal Person, to lay our earnest Petition at the foot of that Throne where the voice of distressed Subjects has never appealed in vain.

Your Majesty's Petitioners have perused with feelings of great indignation a Petition presented to the Commons House of Parliament from Mr. B. Burnett reflecting on the Conduct and Character of His Excellency the Right Honorable Lord Charles Somerset which threatening (sic in the original) to deprive them for a time of the able and benevolent Administration of their Governor, and that too at a period most momentous to their best interests and to the prosperity of this Colony.

Your Majesty's Petitioners humbly beg leave to solicit the gracious attention of Your Majesty to the present state of this Settlement, arising not only from Circumstances beyond the Controul of human sagacity, by which the Agricultural interests have experienced unparalleled Sufferings, but also from the

agitation of Subjects of vital importance to the safety and welfare of the Community, by the late discussions and decisions on the Questions of Slavery and Colonial Currency.

Although the Prayers of Your Majesty's Petitioners on these weighty and intricate affairs have been, by His Excellency's Condescension, already submitted to Your Majesty's Gracious Consideration, yet in their present state it becomes hopeless to expect a beneficial result, unless great local information be combined with talent in the Person of the Governor.

Your Majesty's Petitioners will not presume to intrude by expatiating on the merits of the Public Acts of Lord Charles Somerset; the advantages which have occurred from them best speak their praise, nor will they trespass by gratefully dilating on the Fostering and Parental Care which has ever been evinced by His Excellency to promote and encourage the true interests and happiness of all Classes of Your Majesty's Subjects over whom He presides; Yet they can not refrain from stating that by His Excellency's impartial administration of the Laws of this Colony, the dissensions which disturbed the tranquillity of this Settlement have been speedily subdued, and harmony again restored to a hitherto peaceful Community.

Had the inscrutable and irrevocable decrees of Providence suddenly removed a Guardian so assiduously watchful over the Interests of this Country, Your Majesty's Petitioners would have been plunged deep in Sorrow; but when they perceive that base Slander and vile Calumny attempt to deprive them of such a blessing they are emboldened to throw themselves at once on Your Majesty's protection and sincerely to implore that the machinations of a few wicked and malevolent men be not allowed to blast entirely the hopes of this Colony by causing for a time the removal of the distinguished Nobleman whose benevolent measures have greatly alleviated the Misery with which this Land has been visited, and the purity of whose Public and Private Character has gained him the Esteem and affection of all well disposed and loyal Colonists. But on the contrary, that Justice which has ever emanated from Your Majesty enables Your Petitioners confidently to anticipate that the complete refutation of the false and detestable allegations which have created so much alarm will not only turn to shame and confusion the malicious fabricators, but will redouble Your

Majesty's Confidence in His Excellency, who during the long discharge of the arduous duties of His Station has proved a Servant faithful and devoted to Your Majesty and to Your Subjects a benevolent and disinterested benefactor.

And Your Majesty's Petitioners as in duty bound will ever pray.

[The same signatures to the original document as those to Enclosure 1.—G. M. T.]

[Enclosure 3 in the above.]

STELLENBOSCH, *October, 1825.*

MY LORD,—We the Board of Landdrost and Heemraden of Stellenbosch, conscious of the many advantages the Colony has experienced during Your Lordship's arduous administration of its affairs, rejoice at having this opportunity of transmitting to Your Lordship the enclosed addresses of their fellow Colonists, one of which we entreat Your Excellency would be graciously pleased to forward to His Majesty, expressive of their sense of Your Excellency's anxiety for the welfare and Interests of the Colony at large, while it affords this Board at the same time My Lord an opportunity of assuring Your Lordship collectively of their increasing veneration and attachment to Your Excellency's person. And trusting that Your Excellency will not find it necessary to go to England, to defend your character against the calumnious and unjustifiable attacks of discontented men at a time when the Colony is beginning to feel the benefit of Your Excellency's measures for its welfare, but that you will continue to govern among us, for many years to come, is the humble but sincere wish of those who have the honor to remain with the greatest respect, My Lord, &c.

(Signed) D. J. VAN RYNEVELD, Landdrost
J. A. MYBURGH
J. P. ROUX
A. C. VAN DER BYL
F. ROOS
P. C. VAN BLOMMESTEIN, Secretary.

His Excellency the Right Honorable
General Lord Charles Henry Somerset,
Governor and Commander in Chief.

[Enclosure 4 in the above.]

To His Excellency the Right Honorable General Lord Charles Henry Somerset, Governor and Commander in Chief at the Cape of Good Hope, &c., &c., &c.

We the undersigned Inhabitants of the extensive and populous district of Stellenbosch, having observed with astonishment and regret the calumnious attacks that have been made upon Your Excellency's character in the public Prints of England in reference to Your Excellency's Government in this Colony, beg leave to approach Your Excellency with every feeling of respect and to state :

1st. That during Your Excellency's administration we are convinced that it has ever been Your Excellency's constant wish and endeavour to promote the welfare of the Colony by every means in your power.

2nd. That it has ever been Your Excellency's anxious desire that Religion and moral Instruction should flourish in the Land, and which is connected with the immediate and moral happiness of every Individual in it, the various Seminaries of Instruction established in different parts of the Colony but too clearly speak the kind and benevolent feelings that pervade Your Excellency's breast.

3rd. That we never can forget the measures Your Excellency was pleased to adopt to support us in times of difficulty and danger against the evil machinations and disposition of our Slaves, when alarming insubordination and even Murders were threatening ruin to the Land, and which through Your Excellency's paternal wisdom and care have happily terminated in tranquillity and peace.

4th. That it would be impossible for us to do justice to all the various measures of Colonial improvement which have been taken and emanated from Your Excellency's Government, particularly by the introduction of the English bred Horses here, the great attention you have bestowed and the support you have invariably given to the Wine and Agricultural interests, the opening communication with the Interior by the improvement of the Roads, and your unceasing desire to ameliorate, without affecting property, the State of Slavery in the Colony.

Lastly. That observing with feelings of regret the probability of Your Excellency being obliged to abandon the Government of this Colony (we only hope for a time) to defend your character against the slanderous attacks of malicious and ill designing men, we are anxious to embrace this opportunity to express however feeble our sense of the many advantages we have enjoyed under Your Excellency's kind and benevolent Government, and that we should be ungrateful were we not to make this public acknowledgement of them, and we beg to express our unfeigned esteem and attachment to Your Excellency's Person.

Finally trusting that Your Excellency may not feel it necessary to leave us, but be spared yet to govern among us for many years to come, we have to subscribe ourselves,

Your Lordship's most faithful, most obedient, and most humble Servants,

(Signed). P. J. VAN DER BYL (Eerste River)
 J. D. HUGO (Stellenbosch)
 J. M. VAN NIEKERK (Stellenbosch)
 D. J. VAN RYNEVELD
 A. T. DU TOIT (Stellenbosch)
 P. C. VAN BLOMMESTEIN
 F. R. NEETHLING (Stellenbosch)
 C. L. WYKERD (Stellenbosch)
 P. J. WESSELS (Joostenberg)
 S. J. CATS (Stellenbosch)
 J. A. CATS (Stellenbosch)
 PH. A. DE VOS (Stellenbosch)
 A. F. FICK (Stellenbosch)
 P. A. MYBURGH (Stellenbosch)
 P. S. CATS (Stellenbosch)
 A. B. DE VILLIERS (Paarl)
 J. F. G. PIETERSEN (Stellenbosch)
 G. G. LINDENBERG (Stellenbosch)
 JACOB EKSTEEN (Stellenbosch)
 DL. BRINK (Stellenbosch)
 J. A. MINNAAR (Stellenbosch)
 H. J. NEETHLING (Stellenbosch)
 P. G. NEETHLING

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J. D. DE VILLIERS (Ydas Valley, Stellenbosch)
P. H. KUPYERS (Stellenbosch)
W. B. ROWAN
D. J. ROSSOUW (Wagenmakers Valley)
H. C. ESTERHUYSEN (the place Onrust)
MARTHINUS BEYERS (the place Uitkyk)
RYK HENDRIK MYBURGH (the place Elsen-
burg)
H. CLOETE, D. son (the place Mariendal)
CHRIST. F. BEYERS (the place Hassenburg)
J. A. BEYERS (the place Klygat)
G. J. JOUBERT (the place Krommenek)
MICHEL DE KOCK (Coelenhof)
J. BOSMAN (the place Welgelegen)
P. FISCHER (Bottelary)
P. A. CLOETE
A. C. CLOETE, D. son
P. VAN DER BYL (Eerste River)
H. VOS, H. son (Little Paradys, Eerste River)
P. A. MYBURGH (Kars River)
P. J. MARAIS (Wolvedans)
J. A. MYBURGH (Eerste River)
P. BRIERS (Stellenbosch)
P. WATNEY (Klapmuts)
D. BEYERS (Klapmuts)
N. VAN DE GRAAFF (Stellenbosch)
G. Knoop (Stellenbosch)
M. DE WET (Stellenbosch)
C. WEGE (Stellenbosch)
A. WEGE (Stellenbosch)
G. HARTMAN (Stellenbosch)
JOHAN VAN BLOMMESTEIN (Stellenbosch)
PH. DE VOS, H. son (Stellenbosch)
J. H. VAN BLOMMESTEIN (Stellenbosch)
JACOBUS O. VAN NIEKERK (Fieldcornet Mos-
selbanks River)
H. C. VAN NIEKERK, J. son (Commandant,
Blaauwebloemetjes Kloof, District of
Stellenbosch)
MICHEL DE BEER

J. H. VAN NIEKERK

O. T. VAN NIEKERK, H. son

J. J. DE BEER

S. V. VAN NIEKERK (Oliphants Fountain)

N. G. MOSTERT, F. son (Klipheuvel)

WILLIAM PROCTOR (Drooge Valley, District Stellenbosch)

H. H. VAN NIEKERK (Mosselbanks River, District Stellenbosch)

J. D. ETZARD GRIMBEEK (Fieldcornet at Zwartland and owner of the places Zoutfontein and Nootgedacht)

JACS. MYBURGH, J. son

H. J. VAN DER SPUY (Paarl Diamant)

D. CLOETE (owner of the places Nootgedacht, Dekkersvalley, Vryburg and twee Weltevredens, Mossel River, Woest Arabia, Baviaans Fountain, and Droogekloof)

G. H. DE WET (owner of the place Rustenburg)

C. J. FICK (owner of the place Schoongezigt at Jonkers Hoek)

M. H. VAN DER SPUY (Stellenbosch)

ML. C. A. NEETHLING, F. son

J. H. NEETHLING, M. son (Place the Kuilen)

H. RATH (Stellenbosch)

D. P. DE VILLIERS (places Zeven River, Dwarsriviershoek, Koesters Valley, and Rietkuil Banghoek)

P. N. ROSSOUW

Revd. F. J. HEROLD (Paarl)

JOHANNES J. DU TOIT (Paarl)

AREND WAHL (Paarl)

ROBERT SHAND, M.D.

ABR. IZAAK DE VILLIERS, P. son (Paarl)

J. M. ENSLIN (now living at Great Drakenstein)

H. R. DE VOS (the place Groot Verwagting, situate at Hottentots Holland)

J. A. HURTER (the place Velbryers Moole at Hottentots Holland)

THE CHURCHWARDENS OF SOMERSET, Hottentots Holland

J. SPYKER, Minister

By command of the Board of Churchwardens

H. HENDRIKSZ, Deacon, Scriba

P. H. MORKEL (the place Morgenster at Hottentots Holland)

H. HENDRIKSZ (the place Land and Sea Light at Hottentots Holland)

W. MORKEL (the place Voorburg, Hottentots Holland)

P. G. MYBURGH (the place Paarl Valley at Hottentots Holland)

WOUTER DE VOS, D. son (the place Paarde Valley)

WILLEM MORKEL, D. son (the place Welgegend)

H. J. MORKEL (the place Onverwagt)

D. J. MORKEL (the place Romen)

G. M. DE VILLIERS (the place Harmonie)

AREND LOEDOLFF (the place Zeemans Hoop)

M. W. THEUNISSEN, Jr. (the place Vrede en Hoop)

J. R. MOSTERT (District's Instructor at Somerset)

J. G. BRINK, J. son (Hottentots Holland Kloof)

NEEDHAM & EVANS (Goedverwachting)

J. GADNEY (Hottentots Holland)

DANIEL MALAN, D. son (in Somerset village)

WILL. F. THOMPSON (English Teacher at Somerset)

FRANCOIS ROOS, J. son (owner of the place Coetzenburg at the Eerste River)

J. A. MYBURGH, Senior (owner of the places Meerlust at the Eerste River, Nooitgedacht, Klipfontein, Vergelegen, and Vogelrivier)

C. VAN DER BYL (owner of the Old Mill)

J. A. MADER

P. ROUX, J. son (owner of the places Vredenburg at the Eerste River, Bergshoop, Uitkomst, and Hermanus Heuvel)

J. P. DE VILLIERS, J. son (owner of the place Libertas at the Eerste River)

A. F. DE VILLIERS, J. son (owner of the place Doornbosch at the Eerste River)

CHRIST. ACKERMAN (owner of the place Welgevallen at the Eerste River)

C. J. BRIERS (owner of the place Kromme River)

W. D. HOFFMAN (owner of the places Bergzigt and Matjes Kuil)

O. M. BERG, M. son

A. P. CLOETE, R. son (owner of the place Schoongezigt in the district of Stellenbosch)

A. J. VAN COLLER (owner of a House and Premises at Stellenbosch)

J. T. KRIEL (owner of a House and Premises at Stellenbosch)

J. G. MICHAU, J. son (Stellenbosch)

C. ALBERTYN (owner of the place at the Road)

G. C. IMMELMAN (Sanddrift)

J. HAMMAN.

[Enclosure 5 in the above.]

May it please Your Gracious Majesty, that we the Undersigned Inhabitants of the Cape of Good Hope humbly approach Your Royal Person to lay our earnest Petition at the foot of that Throne where the voice of distressed Subjects has never appealed in vain.

(The first four paragraphs are identical with those in Enclosure No. 2. In the following paragraph there are some alterations).

Had the inscrutable and irrevocable decrees of Providence suddenly removed a Guardian, so assiduously watchful over

the interests of this Colony, Your Majesty's Petitioners would have been plunged deep in Sorrow, but when they perceive that attempts are making to deprive them of such a blessing, they are emboldened to throw themselves at once on Your Majesty's Protection and sincerely to implore, that the machinations of a few discontented men be not allowed to blast entirely the hopes of this Colony by causing for a time the removal of the distinguished Nobleman whose benevolent measures have greatly alleviated the misery with which this land has been visited, and the purity of whose Public and Private Character has gained him the Esteem and affection of all well-disposed and loyal Colonists. But on the contrary, that Justice which has ever emanated from Your Majesty enables your Petitioners confidently to anticipate that the complete refutation of the allegations brought against His Excellency, will not only turn to shame and confusion the Authors, but will redouble Your Majesty's Confidence in His Excellency, who during the long discharge of the arduous duties of His Station has proved a Servant faithful and devoted to Your Majesty and to Your Subjects a benevolent and disinterested benefactor.

And Your Majesty's Petitioners as in duty bound will ever pray.

[The same signatures—in original—as to Enclosure No. 4.—
G. M. T.]

[Original.]

Letter from MAJOR GENERAL BOURKE to R. W. HAY, ESQRE.

75 WIMPOLE STREET, October 15, 1825.

SIR,—I beg leave to inform you that I went yesterday to Chatham to ascertain what accommodation was to be provided for myself and family, my Aides de Camp and Servants, on board H.M.S. *Rainbow*. I was shown about 35 feet in length by about 5½ in breadth on each side of the main deck, which the People of the Dockyard were dividing into three Cabins at a side, in each of which is to be placed one 32 lb. Carronade on its carriage, occupying nearly one half of the space, and rendering the remainder almost useless for the purpose of sleeping accommodation.

On communicating with Commissioner Cunningham he informed me that there was no other room on board the *Rainbow* applicable to the accommodation of Passengers, and that it would not even be possible to remove the Guns from the Cabins, as there was no place to stow them away.

The Commissioner stated that the Cabin allotted to the Captain was not more than sufficient for his own use and the entertainment of his Officers and private friends, and that he declined giving up any part of it for the particular or general use of Passengers, by which I understand that no table can be kept for my family on board. The Commissioner added that in his opinion it was not possible to make any arrangements in such a ship for providing comfortable or decent accommodation for the Persons intended to be sent on board.

Under these circumstances I trust Lord Bathurst will not require me to embark in the *Rainbow*. I beg to assure you that in order to meet his Lordship's wishes I would willingly encounter inconveniences and privations to which officers of my rank in His Majesty's Service, and holding the Commission with which I have been honored, are not usually called upon to submit to ; but in the case now respectfully laid before you the difficulties appear to me to amount to an impossibility.

I have &c.

(Signed) RICHD. BOURKE, Major General.

[Copy.]

Letter from MR. J. E. FORD to the Private Secretary to the Governor.

CAPE TOWN, 15th October 1825.

SIR,—I have perused Mr. Jarvis's letter which you did me the honor to enclose to me, and beg to inform you that Mr. Bishop Burnett entered his name with Mr. Bailie's party when we were about to leave England in 1819.

A Committee was chosen for the management of that party, of which I was a member, and on one of our Meetings Mr.

Burnett (who was not a member) desired to be admitted, which was refused, he repeated his demand in a manner so peremptory and rude that it was thought a man of so turbulent a disposition would be disagreeable to the whole party, and it was therefore determined that the amount he had paid as deposit should be returned to him, which was accordingly done the following day, and he was informed by Mr. Bailie that he was no longer to consider himself as one of the party.

The amount he had paid for deposit I do not know, but I am very certain it was not for a party of agricultural Servants, but merely for his Family.

With respect to his conduct after his arrival in the Colony I can only speak from report, and that report was certainly very unfavourable to him. I had no personal knowledge of him until I removed to Graham's Town, and I believe on the Second of our chance meetings he read part of a letter to me which he had just received from Lord Bathurst's Office in answer to some complaints he had made of oppression, wherein he was told that his unsupported assertions could not be believed, as it was thought impossible that any *innocent* Individual could be treated as he had described.

I believe it totally impossible that he could have supplied Rations at ten stivers, or indeed at any price, as he had no supplies of his own and he could not have purchased meal at that period at a less rate than from 20 to 25 Rixdollars per muid, and I believe it could be easily proved that those persons who had the Contract at a much higher rate were very glad to part with it.

With respect to Mr. Burnett's claim on Government for means to return here in consequence of having (engagements ?) which materially involve his own interests and *those of his Brother Colonists*, I have no doubt the latter would much rather manage their own than confide them to the care of Mr. Burnett. I have &c.

(Signed) J. E. FORD.

[Copy.]

Letter from J. C. FLECK, ESQRE., to LIEUTENANT J. H. RUTHERFURD.

CAPE TOWN, 15th October 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 14th Instant enclosing extract from a Petition by Mr. B. Burnett to the House of Commons, and beg to state in answer to your following questions :

1st. The price given for the Horse, and whether the purchase took place prior to the decision of the Court of Appeals as stated by the Petitioner ?

Answer. The price for the Stallion Kutusoff (the only Horse Mr. Durr deceased purchased from His Excellency) I recollect was *seven thousand* Rixdollars ; and if the Petitioner Mr. B. Burnett alludes to the decision in the case of Mrs. De Wet and Scheule versus said Durr concerning the validity of the last will and Testament of Mr. J. F. Veyll deceased, I can say that the sentence of the Court of Appeals, confirming said Will and Testament, was dated the 30th May 1818, whereas the horse Kutusoff was purchased on the 1st September 1818, as will appear from the Ledger kept by me, and now in the Office of the Sequestrator. Mr. Durr informed me that he had made an agreement that the horse after his Service at Braak Fontein or Oranje Fontein was to be kept in the stables of His Excellency, or at Groote Post, as he had no groom or servant to take proper care of the horse, and it was my opinion at the time that Mr. Durr acceded to an advantageous agreement, as his farms were at a distance from Cape Town, and he was by repeated attacks of the gout prevented to visit his farms.

2nd. Whether the horse did not serve the mares of the estate at Mr. Durr's place at Braak Fontein one complete season after he was purchased.

Answer. I believe the mares were served by the horse.

3rd. Whether His Excellency did not permit another English Stallion to serve the mares of Mr. Durr's Estate the following season gratis, in consequence of his misfortune losing the horse after one season ?

Answer. Yes, at Oranje Fontein, as Mr. Durr informed me.

I beg to add that Mr. Durr never expressed any dissatisfaction at the bargain, but on the contrary was perfectly satisfied with the purchase. I have &c.

(Signed) J. C. FLECK.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 16th October 1825.

MY LORD,—With reference to my dispatch of the 20th August last I have the honor to acquaint your Excellency that the Salary of Major General Bourke as Lieutenant Governor of Your Excellency's Government has been fixed at the sum of £3500 per annum, and I have to direct that it may be made payable to him from the 16th of August.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 16th October 1825.

MY LORD,—I have the honor to transmit to Your Lordship Copy of a Letter which I have received from the Chief Justice requesting my permission to resign his Situation for the reasons therein stated.

Unwilling as I should have been at any time to lose the Services of Sir John Truter and the able and constant assistance which he has rendered this Government during the nearly twelve years I have had the honor to administer it, I felt that under the existing circumstances of the Colony, when the Courts of Justice as well as the Government have been attacked on all sides and from all quarters, that it was my paramount

duty to use every exertion in my power, to secure until such period as a change in the Judicial Establishment may take place, the legal Talents, professional Experience and local knowledge which Sir John Truter possesses, and which even with his infirm state of health, cannot but prove more beneficial to the Colony, than any change which could be made as a temporary measure, on the spot.

I therefore pressed him, as Your Lordship will perceive by my Reply to his Application, to remain in Office at all events until His Majesty's pleasure could be known on the subject.

I have great satisfaction in transmitting to Your Lordship Sir John Truter's Reply, by which you will perceive that he has consented to remain in his Office of Chief Justice until the period above alluded to.

I trust that this additional proof of his devotedness to public duty will strengthen his claim on the liberality of His Majesty's Government, whenever his Services can be dispensed with.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.] .

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 17th October 1825.

MY LORD,—I transmit herewith enclosed a copy of a Memorial which I have received from Mr. Henry Ellis, formerly Deputy Secretary to Your Excellency's Government, soliciting that he may be allowed to enjoy the advantages accruing from certain Salt pans, on the farm of Riet Valley, held by him in pursuance of a Grant which I authorized your Excellency to make to him in the year 1821.

Upon reference to the correspondence which passed between Your Excellency and my Office relative to this Grant, it does not appear whether in fixing the amount of the quit Rent under which the Grant was authorized, the value of the Salt pans had been stated for my consideration, although from the circumstance of the Quit Rent having been raised to 1000 Rix-dollars, being an encrease of 350 Rixdollars beyond the Rent

proposed by your Excellency, it may reasonably be concluded that the value of the Salt pans was not altogether overlooked. I should, therefore, propose, if their annual value does not exceed four hundred Rixdollars, that they should be considered as being included in the original Grant; but if their value should exceed that sum, Your Excellency will take an early opportunity of bringing the facts of the case more particularly under my Consideration. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to G. HARRISON, ESQRE.

DOWNING STREET, 17th October 1825.

SIR,—I am directed by Earl Bathurst to transmit to you, in order to its being laid before the Lords Commissioners of His Majesty's Treasury, the accompanying Copy of an application which has been received from the Colonial Agent of the Cape of Good Hope, enclosing a statement of the demands which he anticipates will be made upon him during the Current Quarter; and I am to request that you will move their Lordships to give directions for advancing to the Colonial Agent the sum of £4,000 in order that he may be enabled to provide for the service of the Government of the Cape of Good Hope.

I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the ACTING CLERK OF THE COUNCIL to DR. JAMES BARRY.

COUNCIL OFFICE, 17th October 1825.

SIR,—Having laid before His Excellency the Governor in Council your Memorial under date the 15th Instant, "praying to be permitted personally to attend the Council for the

purpose of submitting such particulars to its notice as may serve to explain away the imputed impropriety of any expressions contained in your correspondence with the Government on the subject of the Medical Inspectorship," I am directed to inform you in reply that it is not considered consistent with the principles upon which the Council is formed to admit any Individual before it, upon his own solicitation.

Should the Council in the consideration of any case submitted to it consider the information to be derived from any Individual necessary to its decision thereon, it will not fail to require the attendance of such person. I have &c.

(Signed) P. G. BRINK, Acting Clerk of the Council.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 18th October 1825.

MY LORD,—I have the honor to transmit to Your Excellency copy of a dispatch which I addressed to you on the 29th May last, respecting the non-transmission of the usual Monthly Returns of the Staff Officers, and other Officers, and Rank and File of the several Corps serving under your Excellency's Command, and of the General Returns of the Civil Establishments &c. of the Cape of Good Hope for the preceding year ; and I have to request that I may not again be under the necessity of directing Your Excellency's attention to such an omission. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 18 October 1825.

MY LORD,—Although in applying for Your Lordship's sanction to the construction of an additional Schooner for the Kowie Service, which I had the honor to do in my Despatch

to Your Lordship dated 8 June last No. 177, it might be understood that a Crew would become necessary, and that the application would extend to the appointment of one, yet as I did not advert specifically to it, I beg now to state that the rate of wages at which the Seamen have been engaged is fixed as follows :

A Master at One Thousand Four Hundred and Forty Rixdollars or One Hundred and Eight Pounds Sterling per annum.

A Mate at Six Hundred Rixdollars or Forty Five Pounds Sterling per annum.

Two Seamen at Four Hundred and Eighty Rixdollars or Thirty Six Pounds Sterling per annum.

One Man at Three Hundred Rixdollars or Twenty Two Pounds Ten Shillings Sterling per annum.

As all expenses on account of Government vessels are considered to be of a fixed Contingent nature, I have the honor to solicit Your Lordship's approval of this sum being accordingly placed on the Schedules of fixed Contingencies.

I have the satisfaction to add that this small Vessel by the very rapid voyages she has made between Port Frances and this Port, with private freight, has nearly covered her expenses.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Let' r from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 18th October 1825.

SIR,—I have laid before Earl Bathurst your letter of 4th Instant, in which you request his Lordship's authority for providing, in pursuance of a requisition from the Chief Secretary to the Government of the Cape of Good Hope, a supply of Stationery for the use of that Government ; and I am directed to acquaint you in reply, that until his Lordship shall have been informed what the expense of supplying these Articles will be, he will not be at liberty to sanction your providing them. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. MERRY, ESQRE.

DOWNING STREET, 18th October 1825.

SIR,—I am directed by Earl Bathurst to desire that you will suggest to the Secretary at War that it may be proper to select a Military Chaplain to the Forces stationed at the Cape of Good Hope to replace the Reverend Mr. Ireland whom his Lordship proposes to appoint to the Chaplaincy of Graham's Town. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 19th October 1825.

MY LORD,—I transmit to your Excellency herewith enclosed a Judicial Summons which the Government of the Prince of Reuss Lobenstein and Ebendorff has requested to be delivered to the Widow of John George Henry Neumeister, who is stated to be residing at the Cape ; and I have to request that your Excellency will cause the said document to be duly delivered to the person in question, and that a Judicial Certificate of the delivery of such document be transmitted to me for the information of the Government of the Prince Reuss Lobenstein and Ebendorff. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 19 October 1825.

MY LORD,—I have the honor to transmit to Your Lordship a List of Items in the Ordinary Expenditure of this Government which have been incurred during the Quarter ending 30th Ultimo, and to solicit Your Lordship's sanction thereto.

Your Lordship will perceive upon reference to the Explanations given opposite to each Item that the actual augmentation to the Civil Establishment is very inconsiderable, the charges being principally transfers from one Branch to another of the Public Expenditure. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

List of Encreases to the Salaries of the Civil Servants on the Establishment of the Government of the Cape of Good Hope made during the Quarter ending 30th September 1825 which require the Sanction of His Majesty's Secretary of State for the Colonies.

Officer.	Date of Encrease.	Present Salary in Currency.	Proposed Encrease to present Salary.	
			Currency.	Sterling.
1. Superintendent of the Printing Department	1 July 1825	1,200	800 0 0	60 0
2. Translator of the <i>Gazette</i>	"	—	2,000 0 0	150 0
3. Editor	"	—	1,200 0 0	90 0
4. Amanuensis to "	"	—	300 0 0	22 10s.
5. Bookkeeper	"	500	300 0 0	22 10s.
6. Printer Dutch Department	"	1,200	133 2 4	10 0
7. First Compositor	"	840	360 0 0	27 0
8. Second Compositor	"	720	280 0 0	21 0
9. Printer English Department	"	720	613 2 4	46 0
10. First Compositor	"	600	600 0 0	45 0
11. Second Compositor	"	600	400 0 0	30 0
12. Messenger	"	240	60 0 0	4 10s.
13. Apprentice	"	144	56 0 0	4 4s.
14. "	"	144	56 0 0	4 4s.
15. First Assistant to the Colonial Paymaster	1 August 1825	900	300 0 0	22 10s.
16. Second ditto	"	700	200 0 0	15 0
17. Clerk to the Resident and Secretary of Simons Town	15 Sept. 1825	820	180 0 0	13 10s.
18. Superintendent of Government Gardens	1 July 1825	720	240 0 0	18 0
19. Gardener	"	600	360 0 0	27 0
20. Overseer at Camps Bay	"	480	120 0 0	9 0

Remarks.

1 to 14. A new arrangement has been made in this Department in consequence of the loose and unsatisfactory manner in which it was formerly conducted. The Superintendent and Translator shared between them all the Fees for Translations, contrary to the express order of Government, and the Compositors independent of their pay had a share of Fees, which were unauthorized by Government. At present the Salaries of the whole have been fixed, and all Fees for Translations &c. are to be carried to account of Government, by which a considerable saving will be annually made. The Salaries of the Editor and Amanuensis, which now appear on the fixed Establishment, were formerly paid as a fixed Contingency. It is therefore merely a transfer from one Branch to another of the public Expenditure.

15 and 16. By a late arrangement which has been made for the payment of all Warrants for public Expenditure by the Colonial Paymaster, in lieu of the former practice of paying part by the Treasurer and part by the Paymaster, two of the clerks have been removed from the one office to the other, and a small encrease has been made to the clerk who has now become fixed in the paymaster's office, which has been more than met by the reduction of the youngest clerk in that office. A saving therefore accrues to Government by this arrangement.

17. The Salaries attached to these situations were so very small that it was impossible to get any competent Person to accept of them. And at the request of the Government Resident the two were thrown into one, and a competent person appointed to do the duties with a Salary of £75 a year, being a small encrease of about £15 per annum.

18 to 20. The persons who filled these situations having resigned them in consequence of their pay being less than they could procure from Individuals; the Salaries now fixed are only equal to what can be obtained by every competent Servant in this Colony. The raising the Salaries therefore to the present amount was a matter in which no choice was left.

[Enclosure 2 in the above.]

List of Appointments on the Civil Establishment of the Government of the Cape of Good Hope conferred during the Quarter ending 30th September 1825, which require the sanction of His Majesty's Secretary of State for the Colonies.

Officer.	Date of Appointment.	Salary per annum.
1. Sub Librarian of the Public Library .	1 July 1825	£75 0
2. " " " .	"	75 0
3. Messenger to " " .	"	37 10s.
4. Slave Boy " " .	"	18 0
5. Gauger of Casks " " " " .	"	75 0
6. Clerk to ditto " " " " .	"	45 0
7. Messenger " " " " .	"	30 0
8. An additional Constable in the Somerset District " " " " .	"	13 10s.
9. Two additional Constables in the Albany District " " " " .	5 and 9 May 1825	13 10s.(each)

Remarks.

1 to 8. This Establishment has hitherto been managed by a Committee appointed for that purpose, who held all the funds arising from the duty levied upon the gauging of wine by Proclamation of the 20th March 1818 and paid its own Establishment out of such Funds, and expended the remaining Proceeds according to its own discretion. The Establishment has now been placed on the fixed Government List, and will be paid by Warrant with all the contingent expenses, while the Proceeds of the Duty will be paid into the Treasury in the same way as the other public Revenues. The amount of these Proceeds for the last 7 years has averaged Rixdollars 12,000 or £900 per annum, which has been expended on the establishment of the Library, purchase of Books, &c.

8. Upon the representation of the Landdrost of the District that one Constable was insufficient for the performance of the Duties imposed.

9. Reported necessary by the Landdrost.

[Enclosure 3 in the above.]

LANDDROST'S OFFICE, SOMERSET, 30th June 1825.

SIR,—Having only at present one Constable on this Establishment, and as I find him unable to perform all the duties required of him in that situation, I have the honour to request that you will be pleased to obtain for me the sanction of His Excellency the Governor to engage a second Constable from the 1st Proximo. I have &c.

(Signed) W. M. MACKAY, Landdrost.

Sir Richard Plasket, Secretary to Government.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 20th October 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 20th of July last in reply to mine of the 29th of April preceding, in which I requested some information that might enable me to form an opinion on the merits of the statements contained in a petition from a person named John Milner.

As your Excellency states that Milner has appealed to the King in Council in order to try the validity of the lease of the Bird and Chowan Islands, there can be no necessity for entering at present into the further Consideration of the Case; I shall, therefore, merely mention, that in order to complete your Excellency's very full Report on the alleged grievances of the Petitioner, it will be desirable that you should acquaint me whether Korsten has obtained, and upon what terms, a renewal of the lease of the Islands in question. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, *October 20th 1825.*

MY LORD,—I had the honor to receive your Lordship's Dispatch of the 29th May last, No. 169, yesterday, in which Your Lordship observes that you had not received the usual Monthly Returns of the Military Forces serving on this Station.

In reply I have the honor to inform Your Lordship that I am instructed by the Adjutant General of the Army to send home Returns according to Forms transmitted to me from his office for that purpose. These Forms specify (on the back of them), one for the Adjutant General of the Forces, one for the Secretary at War, and one for the Officer Commanding on the Station. I also receive periodically two Forms of Returns for the Staff Pay from the Secretary at War, one to transmit to His Lordship, and one to the Lords Commissioners of His Majesty's Treasury.

During the war, and for some years afterwards, a fourth Form of Monthly Return was transmitted to me from the Adjutant General, specifying to be "For the Secretary of State for the War and Colonial Department," but during the last five or six years that form has been omitted to be sent, which is the cause of your Lordship's not having received the Returns.

I have now the honor to transmit to your Lordship a manuscript Return, and shall by this opportunity apply to the Adjutant General, requesting that an additional Form may be henceforth periodically supplied me, in order to meet Your Lordship's wishes. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 21st October 1825.

MY LORD,—I have the honor to transmit to your Excellency copy of a letter from Captain Harker late of the 15th Foot, and who is residing at Woodville, Cape of Good Hope ; and I have to recommend to Your Excellency a favorable consideration of Captain Harker's application, should you have it in your power to give him employment, and should his character be such as would justify his being so employed. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., *to* MAJOR GENERAL BOURKE.

DOWNING STREET, 21st October 1825.

SIR,—I have laid before Earl Bathurst your letter of 30th Ultimo, containing a Memorandum which had been put into your hands by the Reverend Dr. Poynter, in which he expresses a hope that a suitable allowance will be made for the support of at least two Catholic Clergymen at the Cape of Good Hope ; and I am to acquaint you in reply that before his Lordship can take Dr. Poynter's request into consideration, it will be necessary that you should ascertain from him, upon what authority his assertion is founded, that previous to the capture of the Cape of Good Hope by the British Forces, there were three Catholic Clergymen in that Colony, two of whom were supported at the expense of the Dutch Government.

I have &c.

(Signed) R. W. HAY.

[Original.]

Letter from JOHN BARROW, ESQRE., *to* R. W. HAY, ESQRE.

ADMIRALTY OFFICE, 21st October 1825.

SIR,—In reference to former communications respecting the passage for Major General Bourke, to the Cape of Good Hope, in His Majesty's Ship *Rainbow*, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Earl Bathurst, that their Lordships have ordered some extra cabins to be constructed on board that ship, and have signified to her Captain that he is to prepare for the reception and entertainment at his Table, of the Major General with his Family and suite as mentioned beneath; and I am further to acquaint you that the ship may be expected to be ready to leave Chatham for Portsmouth, at the end of this month. I am &c.

(Signed) JOHN BARROW.

Major General Bourke, Mrs. Bourke, Three Misses Bourke, Mr. Bourke, Two Aides de Camp, with three or four Servants.

[Office Copy.]

Letter from R. W. HAY, ESQRE., *to the* REVEREND H. SHEPHERD.

DOWNING STREET, 22nd October 1825.

SIR,—I have to acknowledge the receipt of your letter of 17th Instant, addressed to Mr. Wilmot Horton, and having laid the same before Earl Bathurst, I am directed by his Lordship to acquaint you in reply that whenever it may be deemed expedient to appoint an Archdeacon at the Cape of Good Hope, your application will be taken into consideration.

I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LORD CHARLES SOMERSET.

CAPE TOWN, 22nd October 1825.

MY LORD,—We have recently received a letter from Mr. Thomas Pringle, in which after alluding to the favors for which he alleges that your Lordship claimed credit in the interview that you had with him and Sir John Truter upon the publication of an article in the second number of his *Journal*, he enters into a statement for the purpose of guarding himself against any implied admission on his part or any assumption on ours of the sense in which he thinks your Lordship was disposed to consider them.

As in this statement Mr. Pringle in more than one instance disclaims all idea of favour towards himself or the members of his family, we think it right that your Lordship should be put in possession of the grounds of his disclaimer. We therefore have the honor to enclose extracts from such parts of his letter as allude to the instances of favor that he thinks may be quoted against him, and upon which your Lordship may perhaps be desirous of making some observations before we submit our report upon his case to Earl Bathurst.

We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE.

[Original.]

Letter from MR. D. P. FRANCIS to R. W. HAY, ESQRE.

MALDON, ESSEX, 22nd October 1825.

SIR,—In consequence of my being actively engaged for some days past in canvassing the voters of this Borough for Sir Rufane Donkin, I did not receive your note of the 15th inst. requesting my attendance in Downing Street on Tuesday last until I was passing through this place with Sir Rufane to-Day.

I trust this explanation together with my being employed in promoting the return of a Ministerial Member to Parliament, and thereby Supporting His Majesty's Government which I have ever Done, will be deemed a Sufficient Apology for my not noticing your Communication earlier.

I expect to be in Town by Wednesday or Thursday next, and shall then take the earliest Opportunity to attend your Commands in Downing Street. I have &c.

(Signed) D. P. FRANCIS.

[Copy.]

Letter from WALTER BENTINCK, ESQRE., *to the* COMMISSIONERS
OF ENQUIRY.

CAPE TOWN, *October 25th 1825.*

GENTLEMEN,—In reply to your letter of the 22nd instant, enclosing for my perusal an extract from Mr. Bishop Burnett's memorial, addressed to Earl Bathurst, I have the honour to state, that, upon reference to the proceedings of the Court, the statement of Mr. Burnett is found extremely incorrect.

I allude to what occurred three years ago ; but, as far as I can bring the case to my recollection, it is as follows :—

Bishop Burnett not having paid any rent to Hart, and his insolvency being announced in the *Gazette*, Hart wished to eject him from the premises. Bishop Burnett pretended not to be insolvent, and stated that the landdrost, Mr. Rivers, must be aware that there was still a correspondence carried on with the sequestrator respecting his (Burnett's) insolvency.

The landdrost admits such a correspondence, and moreover states that all the papers thereunto relating had been sent to Cape Town.

Under these circumstances the Court could not come to a final decision, and thought proper to postpone the case, in order to give him (Burnett) time to prove his solvency, either to the full Court, or to the next Commission of Circuit.

It was not stated that Mr. Hart had no right to demand rent.

It follows that the title deeds could not be restored to Hart, as the case was postponed.

Mr. B. Burnett further asserts, that in an action against a tenant of his own, he cast him. It appears however from the records of the Court, that only an interlocutory decree was passed *in favour* of the tenant. I have &c.

(Signed) WALTER BENTINCK.

[Original.]

*Return of Troops serving at the Cape of Good Hope on the 25th
October 1825.*

Officers of all ranks at the Regimental Head Quarters or on Detached Duty at the Station		109
Sergeants, Trumpeters, Drummers, and Rank and File :		
Royal Artillery		69
Royal Sappers and Miners		21
49th Regiment		576
98th Regiment		555
55th Regiment		576
Cape Corps {	Cavalry	250
	Infantry	272
Grand Total		2428

(Signed) C. H. SOMERSET, General.

Memorial of MRS. JANE ERITH.

CAPE TOWN, October 25th 1825.

To the Right Honorable the Earl Bathurst, one of His
Majesty's Principal Secretaries of State, &c., &c., &c.

May it please Your Lordship.

The Memorial of Jane Erith most Humbly Sheweth

That nothing but an impression made on the mind of
Memorialist by the deepest conviction of the Philanthropy of

your Lordship's feelings towards the unfortunate Settlers of 1820, could have influenced the Subject of the Subsequent Memorial in obtruding on the more momentous concerns with which your Lordship must necessarily be engaged, but in humbly submitting six months of cruelty and sufferings for your Lordship's most serious consideration, Memorialist feels assured your Lordship will not allow Oblivion to draw its Curtain over Acts so Inimical to the welfare of an Infant Colony, so Repugnant to the feelings of the Community at large. Memorialist therefore with the greatest deference to your Lordship, in stating her case, will endeavour to do it in as concise, yet clear, a manner as her humble abilities will admit, praying your Lordship's Magnanimity will be graciously extended in overlooking such parts as may not be in strict Conformity usual in such addresses, but engaging that your Lordship shall not find one Sentence, upon Investigation, unsupported by the strictest Truth, a Task which Memorialist would most gladly have receded from, could she have done it consistent with her Duty to her rising Family.

Memorialist in the first place begs leave to state, that after nearly four years and a half of the severest Sufferings Incidental to the Change of Climate on the Constitution of Europeans, and Deprivations necessarily experienced by the Colonization of a New Settlement, but of infinitely greater Cruelty practised by the oppressive and arbitrary Conduct of the Colonial Government, the Husband of Memorialist was prevailed upon by Memorialist and Friends to embrace the truly kind and generous offer of the Commander of the *May* (Whaler) viz. a Passage free of Expense to the shores of England, in order to lay his serious grievances before your Lordship, previously informing the Colonial Government the unpleasant manner he must leave his Family exposed to, but praying they would not be allowed to suffer from want, seeing they were so considerably in arrears with him.

On the 14th of April, the day subsequent to the departure of Memorialist's Husband, there being a concern in which she could have engaged which would have ensured to her Family the necessaries, if not comforts of life, she prayed for a grant of 600 Rds. on Interest, till a final decision could take place, as it respected her pecuniary concerns, the Colonial Govern-

ment at that moment holding Property of hers as a sufficient Equivalent for such a request, as will be presently fully proved. But a negative was put on that Petition.

Memorialist knowing there was a balance in favour of her Husband, as admitted by the Asst. Commissary in correcting the Dep. Asst. Commissary General's account of 60 Rds. 1 sk. 4½ sts. on the part of his Deposit, applied for that. Your Lordship will perhaps hardly credit that three months and twelve days elapsed, in which time Memorialist was harassed to and fro, before she could accomplish the Reimbursement of so trifling a sum. The above interval must of necessity have proved fatal to her family of four Female Children (the Eldest but just nine years of age) if it had not been for the kindness of Friends, among whom Memorialist has the satisfaction of enumerating the worthy Landdrost of Cape Town, till that period to her an entire stranger.

Memorialist, finding after liquidating such arrears as was practicable out of so small a sum, her Finances were reduced to ten Rix Dollars, and all further Restitution denied, memorialled for a free Passage to England, her health not admitting her to use laborious exertions for the support of her Family, and to be allowed Rations till their Departure, but even this Petition was disregarded till Memorialist had five several times addressed His Excellency on that subject ; at last an answer arrived granting the first part of her Prayer, but totally silent on the subject of Rations. On the 17th (August) Memorialist requested (by Note) a Personal interview with His Excellency, as she had left her Children at home that Morning without food, but was referred by His Excellency to the Secretary to Government.

On waiting on Sir Richard Plasket, Memorialist was addressed with a stern look and angry voice, more fitting a Mendicant of Charity than a Female who was only soliciting her own Property, and to the best of her imperfect judgment endeavouring to provide for the preservation of her Children, with, "What is the reason you are teasing the Governor's heart out, do you know what we can do with you ?" when the conclusion was a threat to be sent to England divested of all accommodations, and when Memorialist made an observation about Cloaths for so long a voyage, was told "them you may get where you can."

A conduct so irregular that Memorialist can only impute it to a previous letter sent by His Excellency (of which she was the bearer) to Sir Richard Plasket.

A period was now again suffered to pass from the 17th to the 3rd of September without the least assistance being rendered Memorialist. On the contrary, her feelings were trifled with by vague and ridiculous messages on the part of His Majesty's Fiscal, who Memorialist was informed had official orders to give her the usage of a *Distressed* British subject, and when Mr. Denyssen was pressed to explain what such usage was, returned the short but comprehensive answer "Nothing."

Your Lordship can hardly, I am sure, suppose Barbarity could be so deliberately practised on a Person whose only fault was perseverance, stimulated by seeing her Children sometimes without food for 24 hours together, and then their scanty pittance procured by borrowing a Dollar now and then from a Friend, and altho' at the seat of Government even *mercy ought* to erect its standard, was Memorialist thus suffered to pass five months Want, making inroads upon the constitution of a Family whose spirits were buoyed with hopes of being soon returned to the shores of their beloved Country.

On the 3rd of September, finding no doubt the Importunity of Memorialist unpleasant, an expedient was resorted to as singular in its nature as despotic in its terms, that Memorialist certainly considered it was done with a view to add Insult to Sufferings, which His Excellency had some months previously prevented all Investigation into, for however exalted His Excellency's rank, yet as a Parent he cannot in some measure be ignorant of the expenses adequate to the support of five persons for one month, therefore when the Secretary to Government informed Memorialist that 30 Rds. per Month, or one Dollar a Day, was all His Excellency would allow, it raised feelings in her mind which but for a moment's reflection would have made her retire without signing the receipt for the first Instalment, disgusted at such pusillanimous conduct, particularly as it was evidently considered a gratuitous favour, when in fact it was her own property, which, in order to convince your Lordship of, Memorialist humbly begs to call

your Lordship's attention to that triumphant and decisive victory obtained by the indefatigable exertions of the Cape Corps Cavalry, headed by their Commander, now Lieutenant Colonel Somerset, over the Barbarous and Savage Caffres, as appeared in the *Cape Gazette*, bearing date December 20th 1823, when 7000 Head of Cattle was *said* to be captured and driven into Fort Beaufort, and after *every* Settler and Inhabitant had been *completely* indemnified, the surplus sent back to keep the women and children from starving. A victory no doubt hailed in England with delight by the Friends of every British Emigrant, considering that numbers had laid out their little Capital in purchasing such Stock as the only seeming alternative to prevent their future sufferings.

But will your Lordship pardon me in remarking, that the Brilliant achievements of that glorious day, winging its flight with all that celerity so praiseworthy in this Government on such occasions, had no doubt even reached the distant shores of England before numbers of the Settlers knew that such heroic feats of valour had been performed, therefore the highest praise is due to that Individual (be him whom he may) that could at the expense of truth foister some parts of that Notification into the Public Prints, presuming no doubt that so many Thousands of Miles of the Mighty Ocean separating England from Albany, such false Machinations would never dare to be exposed by the still small voice of an Insignificant British Settler, or that the puny arm of an *oppressed* British Subject would irrefragably discover truths glaring (in this part of the world) as the Sun at Noon Day.

Memorialist will now trouble your Lordship with two Paragraphs from official Documents in her possession, which she thinks will prove that the *Boon* so *generously bestowed* ought in point of fact to have been made a subject of settlement at the date of the above mentioned Capture, considering repeated and urgent applications had been made to the different Functionaries for Remuneration ever since 1821, the first date of the loss of cattle sustained by the Husband of Memorialist. The first bears date April 22nd 1825, and signed Wm. Hayward : "Further Report."

"With regard to the Remuneration claimed for the loss of Cattle taken by the Caffres, it is impossible to give other

Information than that he has been repeatedly told by the Landdrost that he had no more Cattle to distribute. I do not therefore see that any remuneration can be made to him." The second is dated May 6th 1825, and signed Richard Plasket. "His Excellency cannot take further steps therein, as he considers Mr. Hayward's statement to be final."

Memorialist feeling indignant at such contemptible Equivocations, begged His Excellency would have the goodness to order the Special Commissioner to elucidate the following Question: "To whom of the Settlers were the 7000 Head of Caffre Cattle distributed, and for why, when even 100 Head more were in the Kraal at the moment J. T. Erith applied for Remuneration, could he not have had it?" a request your Lordship will not be surprised to hear was not complied with.

After receiving such Documents, and then to be informed she was to be allowed the above stipend, created a surmise in Memorialist's mind that his Excellency must be under some Mental Delirium, as that was not sufficient to purchase food, in fact after acknowledging Memorialist's claim to be correct, the Friends of Memorialist considered it an act of arbitrary power to retain any part of the full amount, but Memorialist willing to convince His Excellency she had no wish to shrink in providing for her Family, as far as practicable in the weak state of her frame, worn down by anxiety and excessive fatigue, for the last five months, only requested should she not be able to add to that Income by her exertions, the addition of Rent 15 Rds. to be allowed, which was on the 16th refused under circumstances the most cruel.

Your Lordship cannot but hear with surprise that at last, on the 20th of that month, after Memorialist had most repeatedly and respectfully addressed the Colonial Government on the state of her Finances, she was positively made, accompanied by her Children, the *Sport* of exalted Power, in being sent to and from Government House to the Colonial Office several times, with either Messages or Notes, intimating to Memorialist that her request would be complied with. Conscious Indignation at such trifling Treatment at last roused the small share of strength left Memorialist, who for several preceding days had with her Family subsisted only on Bread

and Water, the former of which had then failed, (a circumstance well known to His Excellency), and she came to the resolution to immediately place them under the Protection of His Excellency, for which purpose she addressed His Excellency by Note as follows :

Cape Town, September 20th 1825.

Mrs. Erith having no provision for her Children, and the Colonial Government in possession of her Property, which they will not refund, has with the greatest respect to His Excellency the Governor brought them to Government House, in order to place them under the Protection of your Excellency, a step which be assured my Lord nothing but positive want has authorized her to take.

Had Memorialist been addressing the Dey of Algiers, surprise would not have intruded itself on her mind at a conclusion so inhuman as followed. For your Lordship will learn with horror, that after such an address, made by an *English* Female in a Foreign Clime, accompanied by four helpless Children, to an *English Governor*, it was repulsed by an express order to the Orderly to turn out Memorialist and Family, and close the doors of that stately edifice, a command which was evidently received with horror, and seemed to unnerve even the arm of a Menial, had there been any necessity to have enforced it, and who expressed himself on that occasion in terms which would have done honor to the Higher Class of Society.

Memorialist bowing in silent submission to such arbitrary conduct, returned to her habitation with her Family, where for the following 48 hours, nutriment of no sort (water excepted) passed the lips of either Memorialist or Family, when the Inmates of the Habitation of which she occupied part voluntarily lent her two Skillings to purchase Bread. Memorialist then considered herself justified in refusing all further monthly Reimbursements, which she notified to His Excellency the Governor, requesting a final settlement.

The consequence was, that after contending with languor and ill-health as long as possible, Memorialist was on the 27th confined to her bed, when it was thought necessary to call in Medical advice, to whose attention, accompanied by the kind assistance of strangers, Memorialist feels indebted for a pro-

tracted existence. Even at the present moment Memorialist is obliged to the humanity of a few Individuals for the continued Lives of herself and Family, two of whom, shocked at beholding such brutality exercised towards a Female necessarily left unprotected, have, small as their Income is and only obtained by the greatest Industry, shared it with Memorialist and Family. Her return to health being protracted from want of proper nourishment, too expensive for her to purchase, she is therefore left in such a debilitated state as to prevent all thoughts at present that she can provide for her Family, and Memorialist feels it her duty to add that His Excellency the Governor has not been unapprised by Memorialist's Friends, and as soon as was possible by herself, of every circumstance. But deaf as the encaverned Mole to all the finer feelings of Mercy, all Petitions, Requests, and Prayers, remain unanswered.

Memorialist did not for one moment suppose that real disinterestedness or an impartial love of Justice could Influence the Conduct of His Excellency in the advance of the aforesaid sum, when she had in 1824 been both an Eye and Ear witness to the illegal manner which His Excellency undertook to finally settle a Criminal Act, and which could make a Fiscal tremble on the Threshold of Investigation, confess he had but taken a Summary view of the dilapidation, but declined proceeding therein, because "His Excellency the Governor had decided thereon."

That could make the sacred Character of a Chief Justice of the Colony stop Memorialist in the Public Street, and in the hearing of numbers, exclaim in an angry voice "For why did you send the Copy of the Letter you wrote me to the Governor, if you now like to bring a civil action, we will allow you one of the ablest advocates the Colony can produce, and it shall not cost you a Stiver, but if you are for England we decline going into it."

On that mysterious event, so ably performed by a favourite Hireling, the Firing Memorialist's House and Property, with all the Solemn Pageantry displayed to stop the avenues of Impartial Justice against Memorialist's Husband, for such sanguinary acts, convinced Memorialist that under that spurious act of generosity of September 3rd the annihilation of "that Horrible Woman" and Family was intended.

Memorialist's wounded feelings cannot help here remarking to your Lordship upon that Epitaph. How *horrific* must the *conscientiousness* of past proceedings be to the *oppressor*, when the appearance of an humble Individual and four Inoffensive Children could call forth such a truly awful appellation, whose grand and only transgression lay in displaying a spirit of just Independence against acts hostile to the feelings of an English Subject, and which has proved ruinous in their fulfilment.

Never till now when slowly recovering from a Bed of Sickness did Memorialist feel the intrinsic value of that highly favoured Land from which she emigrated, much less did she ever expect to be a witness to such glaring acts of supersedures and injustice in an English Colony, by the very authorities who ought to be a terror to evil-doers only. She cannot therefore but see with the deepest regret, how unlike it is, the pure administration of Equity in that country where a Magistrate is amenable to its Laws, as well as its meanest Subject, and where so foul a deed as that of wantonly and deliberately firing a House and Property by a written order (which has reduced a Family to want) would meet from that grand Palladium of British Justice, Trial by Jury, the punishment deservedly merited, nor could a Governor screen the aggressors.

Memorialist has therefore no alternative but in praying your Lordship will be mercifully pleased to interfere in the behalf of herself and Family, and should she not be able to reach the Shores of Great Britain before the earliest return of your Lordship's answer can be wafted to Southern Africa, She humbly entreats your Lordship will be pleased to order herself and Family accommodations on board one of the first of His Majesty's Vessels bound to that Country, to lay the whole of her case before your Lordship, the foregoing being only an abstract of Cruelties practised upon Memorialist and Family since the absence of their Father, as she does most solemnly assure your Lordship, with feelings of the most poignant sorrow, that since her unfortunate residence in this Colony she has found, in the fullest sense the import of the words will warrant, that "the tender Mercies of the Wicked are Cruel" when invested with power, and that in her present truly debilitated state she feels the most anxious concern to again

see her Children placed under the Protection of an affectionate Father and her Friends.

And Memorialist as in Duty bound &c.

(Signed) JANE ERITH.

[Original.]

Letter from MAJOR GENERAL BOURKE to R. W. HAY, ESQRE.

75 WIMPOLE STREET,
Wednesday Night, 26 October 1825.

DEAR SIR,—It may be satisfactory to you to know that I received a letter to-day from Captain Rous to say that as it was finally settled that we were to sail together in the *Rainbow* it was his duty as well as his wish to make my family as comfortable as circumstances will permit, and he announces some arrangements on board with this view. I have no doubt therefore that we shall be as well accommodated as the very limited space will allow.

I presume the order to have my luggage received on board the *Rainbow* has been forwarded by the Admiralty. My Aide de Camp goes down on Friday to overlook it, and in the event of his meeting with any difficulty I took the liberty of directing him to inform you. However it is now likely that everything will go on smoothly.

I leave Town to-morrow morning for Southampton, where I shall be happy to receive your commands. I presume there can be no objection to giving me an extract or copy of the Instruction to Lord Charles Somerset authorizing him to issue my salary from the 16th August last, as also the rent of the furnished House I am allowed in Cape Town; and I should like to have the No. and date of the Dispatch extracts of which you read to me yesterday. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from JOHN BARROW, ESQRE., to R. W. HAY, ESQRE.

ADMIRALTY OFFICE, 26th October 1825.

SIR,—Having laid before my Lords Commissioners of the Admiralty your letter of yesterday's date, requesting that directions may be given to the Officer in command of the *Rainbow*, to be in readiness to receive on board the Baggage of Major General Bourke, on Friday next; I am commanded by their Lordships to acquaint you, for the information of Earl Bathurst, that they have sent directions to the Captain of the *Rainbow* at Chatham, for that purpose. I am &c.

(Signed) JOHN BARROW.

[Original.]

Letter from MR. WM. HAYWARD to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 26th October 1825.

SIRS,—In answer to your inquiries respecting Lieutenant White's Location in Albany, I have the honor to inform you that Captain Campbell called upon me while in Graham's Town with some Papers relating to the affair of Lieutenant White, for whom he was Agent. I examined those Papers, and finding that a most decisive answer had been given (I believe from the Colonial Office) to the case and claim, I considered that I was precluded from going further into it, and therefore returned the Papers to Captain Campbell with information to that effect.

On my tour of Inspection through the District I learnt that there was still one man in occupation of the Land on behalf of Mr. White, and I believe that there are means of extending the Location, but not considerably, in a Southerly direction towards J. D. Smuts' Farm. On this point I beg leave to add an extract from my Report on the adjoining Location of Mr. Latham's Party:

“The Party requests a small extension particularly in the

direction of Joel Smuts' Farm where two strangers had once established themselves near a small spring, unavoidably committing trespass on the Location. Tho' this is near to Latham's Location, yet I think it would interfere with the Lands formerly allotted for Mr. White where there is rather a scanty supply of water." I have &c.

(Signed) WM. HAYWARD.

[Copy.]

Letter from the Landdrost of Worcester to the Commissioners of Enquiry.

LANDDROST'S OFFICE, WORCESTER, 26th October 1825.

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of the 22nd instant, enclosing to me an extract from a statement that has recently been submitted to Earl Bathurst by Mr. Bishop Burnett, in which, after complaining of the undue favour shown to the officers of the army on the frontier in the gratuitous appropriation to them of erven in Graham's Town and Bathurst, and that the profit they have been able to derive from the cultivation of their erven in green forage for the supply of the Cape Cavalry, he makes the following statement :—

“Captain Trappes, of the 72nd regiment, has realized a fortune by this description of jobbing. One house alone, built by the troops in Graham's Town, which I pledge myself to prove did not cost him five hundred rixdollars, he sold to government for twelve thousand! Two other erven, in or near the town, have proved equally profitable to him. An erf at Bathurst has been quite as productive; only a few weeks since he disposed of another grant from the government for six thousand rixdollars, with a house in Graham's Town for ten thousand more, and he has various other grants in different parts of the colony.

“These gentlemen are all farmers, against whom it is folly for a settler to compete. Their produce is uniformly preferred to the civilians, and this system has his Excellency's sanction. Nay, so unblushing is this preference, that I have had repeated

instances stated to me of the foragers being ordered, on the approach of rain, to desist cutting upon a civilian's land and repair to the erf of such an officer ; but my own particular grievance upon this head affords such abundant confirmation of the facts adduced, that I cannot do better than lay it before his Lordship in detail."

And although it was not unknown to you that I had received valuable grants from time to time from the government, yet you are not aware, nor have considered it necessary to inquire the amount of the sums at which they have been disposed of to government ; that under present circumstances you consider it your duty to inform yourselves of these facts, and also to inquire whether the officers of the army on the frontier have been permitted to avail themselves of the labour of the soldiers of their respective regiments in erecting the houses that they afterwards disposed of to government.

In reply I beg leave to state, that, at the time of my arrival on the frontier, in the winter of 1817, there were no officers' quarters whatever in Graham's Town, where I was then stationed, nor were there lodgings of any description to be procured, and the troops were in miserable clay huts erected in the main street ; that, at the suggestion of the late Lieut.-Colonel Fraser, I applied to the government for an erf to build upon, and had one granted to me on condition of paying the average price for which they had been sold by public auction, and building a house upon it of certain dimensions. I remember to have purchased the timber from the farmers living in the vicinity of the forests, and to the best of my recollection I paid for it about four thousand rixdollars. The other materials were obtained from different persons, but at this length of time I am unable to state the prices of each. As it was at that time considered a material advantage to Graham's Town that decent houses should be erected, and there being no mechanics or labourers to be procured on any terms, I applied to the late Lieut.-Colonel Fraser for permission to employ the troops to build the house in question, to which he acceded, judging it far preferable to employ them in so laudable a manner to their erecting for me a hut, which other officers had hitherto been allowed ; that in 1819, when his Excellency the Governor was on the frontier, a house was

required for the commanding officer, and mine being the most eligible I consented to dispose of this house for the sum of twelve thousand rixdollars, having previously provided myself by the purchase of a larger piece of ground out of the village, with a small unfinished house upon it, for which I paid Captain Harding five thousand five hundred rixdollars, and in which I afterwards resided until the time I was appointed provisional magistrate at Bathurst. At that time I applied to the acting Governor for a piece of ground out of the then village of Graham's Town, and his Excellency the Acting Governor allowed nearly an erf of ground to be added to what I had purchased from Captain Harding, in order to make it square with the other parts of the town to which it appeared likely to become joined, for this ground I again paid the average price as before mentioned, it being considered equal to an erf ; that, after my appointment at Bathurst, the acting Governor directed me to make choice of two erven there ; having inclosed them and gained a few oats by their cultivation, I lately disposed of both the erven for the sum of five hundred rixdollars, which, after paying the expenses, does not amount to the sum I laid out upon them ; that in the year 1821, when his Excellency the acting Governor was at Bathurst, and after he had himself personally examined the grounds in the vicinity, he requested me to make choice of a piece of the unappropriated ground in that neighbourhood, and gave orders to the surveyor to measure for me one thousand two hundred and fifty morgen near Bathurst. This grant I lately relinquished to government, his Excellency Lord Charles Somerset having considered it desirable to divide it amongst the locators in the vicinity. His Excellency the acting Governor also, at the same time, on leaving the frontier in 1821, advised me to look out for another piece of unappropriated ground, which he considered the best method of remunerating me for services he considered unrewarded. After my return from Bathurst, the house I bought from Captain Harding requiring repairs, I judged proper to add considerably to its dimensions ; and since my appointment to Tulbagh, it being found a desirable house and premises for the use of the functionaries, it was purchased by government for the sum of ten thousand rixdollars, which sum fell considerably short of what I had paid

and expended upon it. In these latter repairs I employed settlers and discharged soldiers.

From these circumstances it will plainly appear, that instead of making a fortune, as stated by Mr. Bishop Burnett, I purchased the whole of the property I had in Graham's Town, and sold it, I believe I may safely say, without any profit whatever. It only remains to add, that the latter grant made to me by Sir Rufane Donkin I have since sold for six thousand rixdollars, but the purchase is not yet completed. I never had any grant whatever in any other part of the colony. It is impossible for me to state with accuracy whether the officers of the army had permission to avail themselves of the labour of the soldiers. I believe the houses erected since the arrival of the settlers have been built by civil mechanics.

As to the officers all turning farmers, I can only say that the green forage I was able to raise was not sufficient for my own consumption. I am convinced of the great difficulty the commissariat department had in procuring forage for the cavalry, and that the public was considerably benefited by the forage grown in and about Graham's Town, both by the civilians, and those of the military who had any to dispose of. I may safely affirm, that during the time I was on the frontier there was no other means of obtaining a supply of forage for the cavalry, the small quantity then grown by the settlers being of little or no importance. I have &c.

(Signed) C. TRAPPES.

[Original.]

*Report of the COMMISSIONERS OF ENQUIRY to EARL BATHURST
upon the case of Lieutenant White.*

CAPE TOWN, CAPE OF GOOD HOPE, 27th October 1825.

MY LORD,—In compliance with your Lordship's Instructions that we should report upon the case of Lieutenant White, a Settler who emigrated to this Colony in 1819, we beg leave to explain that from the communications we received from that

Gentleman in Cape Town, and from the inquiries which we subsequently made in the District of Albany it did not appear to us that his complaints were of a nature to require that we should make an exception in his instance to the rule we have found it necessary to observe in regard to the numerous complaints from the English Settlers that were at that time preferred to us. When we wrote to Mr. White from Uitenhage, we had not become aware, from personal observation, of the extent of detail that an inquiry into the merits of each individual case would involve, and which eventually imposed on the Colonial Government the necessity of deputing an Officer for this special investigation.

The object of Mr. White's solicitation to the Colonial Government had been to obtain an adequate grant of Land, and we regret that his departure from the Colony previous to the appointment of Mr. Hayward to investigate the claims of the Settlers, should have prevented him from bringing forward his case at a time that the interests of the Settlement occupied the particular attention of the Colonial Authorities; nevertheless, we are far from intending to imply that his return to Europe has invalidated his claim to the consideration of his Majesty's Government; and if any reference had been made to us by his agent, Captain Campbell, at the period that Mr. Hayward visited the District, we should not have failed to have ascertained whether the Government might be disposed to revoke the decision it has passed regarding him.

In transmitting the correspondence that we held with Mr. White previous to his departure, and in which your Lordship will perceive that we declined to enter into the personal misunderstanding between Lord Charles Somerset and himself, we have the honor to explain that he was located in the first instance at Zonder End River, in the District of Swellendam, with his Party, consisting of eleven men, four women, and ten children; and he appears to have been early impressed with a conviction of the inadequacy of the Lands assigned to him.

The Resources of the Lands thus selected and purchased by the Colonial Government, were certainly unequal to the expectations that had been formed of them. The proportion of arable Land was very limited, and after some delay, it was found necessary to offer to the Heads of Parties the alternative

of removing to Albany where Lands of unexceptionable quality would be assigned to them.

The detention of Mr. White's Party at the Zonder End River from the month of April 1820 to July of that year, must necessarily have subjected him to much loss, as no Rations were issued to those parties during a period in which the Settlers in Albany were thus subsisted.

Mr. White received 1200 acres of Land in Albany, being in the proportion of 100 Acres for each adult Settler of his Party. He took possession of this Land in October 1820, and after residing six months upon it, during which time he made some improvements and erected a House (which was afterwards destroyed by Fire) he appears to have accepted employment from the Government as a Surveyor. In the year 1821 he solicited, and obtained from Sir Rufane Donkin, a promise that his Location should be extended, and according to a Memorandum stated to have been written upon his Memorial by Sir Rufane Donkin, his claim was "to have priority." The Memorial of Mr. White was referred to the Landdrost on the 7th June 1821, as appears from the List that we transmitted with our Report of the 25th May last, and in that Report we had the honor of explaining to Your Lordship the injurious delays that subsequently occurred in adjusting the claims of the numerous Individuals who were similarly situated with Mr. White.

It appears that a misunderstanding had occurred between Lord Charles Somerset and Mr. White, originating in the settlement of an account with the Engineer Department arising from his employment as a Surveyor, and we declined to enter into the question, both as it was of a personal nature, and as it did not appear to us to be necessarily involved in the consideration of his claims as a Settler. Mr. White had resided some months on the Land after sustaining previous disappointment at the *Zonder End*. He had accepted an employment in the Public Service, with the approval and at the instance of the Acting Governor, who recognized his claim; and the Land appears to have been occupied to the latest period, on behalf of Mr. White, by the Person whom he had left in charge of it. When therefore he renewed his application to Lord Charles Somerset in December 1823 for such an exten-

sion of his Land as had been sanctioned by Sir Rufane Donkin, and that his Memorial was referred to the Landdrost Mr. Rivers, we are at a loss to account for the reply of the Landdrost, that Mr. White “ was not entitled to a Grant, not having resided on, or cultivated his Location, and that on these grounds he had been induced to leave the name of Mr. White out of the list which he had been directed to make of the British Settlers.” Nor can we consider this Report from the Landdrost of Albany a sufficient ground for the decision of the Governor by which the claim of Mr. White was rejected, the disappointment of the Settlers having led in numerous instances to their removal from their Lands in quest of the means of subsistence. This decision however appears to have induced Mr. Hayward to abstain (in the absence of Mr. White) from proceeding to investigate his claim, altho’ in the Report made by him after an inspection of the adjacent Locations, and also in the decisions of the Governor, the rights of Mr. White were protected ; and we now find that some Land had been reserved which will admit of an extension being given to the original Location.

On the grounds that we have stated, we do not hesitate therefore to recommend to your Lordship that a grant of this Land should be conferred on Mr. White, or if he should be disposed to return to the Colony, that he should be permitted to receive a more eligible grant, relinquishing the present one in favor of the Person who has occupied and improved it.

We have &c.

(Signed) JOHN THOMAS BIGGE,
 WILLIAM M. G. COLEBROOKE.

[Copy.]

*Letter from LORD CHARLES SOMERSET to the COMMISSIONERS
OF ENQUIRY.*

CAPE OF GOOD HOPE, 27th October 1825.

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of the 22nd instant, requesting to be furnished

with copies of any order or instructions transmitted by the late colonial secretary to the landdrost of Albany, by which the proceedings that had been carried on by Mr. Robert Hart against Bishop Burnett were ordered to be suspended, and in reply to acquaint you, that no instruction to the effect alluded to has ever been given ; but on a reference to the records in the Colonial Office, it appears that Mr. Hart having, on the 30th April 1823, complained of dilatoriness on the part of the sequestrator in executing an edict issued by the Court of Justice against the property of Bishop Burnett, this complaint was (as is usually done in such cases) referred to the Court ; an extract of whose report was transmitted to the landdrost of Albany, on the 14th of August of that year, for his information, as you will perceive from the accompanying copy of the late Colonial Secretary's letter to Mr. Rivers.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from BISHOP WM. POYNTER *to* R. W. HAY, ESQRE.

4 CASTLE STREET, HOLBORN, *October 27, 1825.*

SIR,—Major General Bourke has communicated to me a copy of your letter to him of the 21st Inst., in which you say, that before Earl Bathurst can take Dr. Poynter's request into consideration (for a suitable allowance for the support of at least two Catholic Clergymen at the Cape of Good Hope) it will be necessary that it should be ascertained from Dr. Poynter upon what authority his assertion is founded, that previous to the capture of the Cape of Good Hope by the British forces, there were three clergymen in that Colony, two of whom were supported at the expence of the Dutch Government.

General Bourke, in his note to me dated the 23rd Inst., desired me to send him an answer to this enquiry by last Tuesday morning, but as I was then out of town, and did not return till yesterday (Wednesday) evening, and I understand

the General has left town for Southampton, I beg leave to send my answer to you, Sir, and to say,

That my assertion was founded on the authority of a letter from the Cardinal Prefect of the Propaganda at Rome, dated 16th August 1806 and addressed to my predecessor the Revd. Dr. Douglass, (in which the above fact is stated) directing him to entreat his Majesty's Government to allow the Dutch Catholic Clergymen to return to the Colony, whom Sir David Baird had sent from it together with the Dutch Garrison, at the time of the capture of the Cape; at the same time Dr. Douglass was desired to pray that some of these clergymen might be supported by His Majesty's Government, as they had been formerly by the Dutch Government. I have &c.

(Signed) WILLIAM POYNTER, V.A., L.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LORD CHARLES SOMERSET.

CAPE TOWN, 28th October 1825.

MY LORD,—With reference to the directions that we have lately received from His Majesty's Secretary of State to forward to Him, a Report upon the Expenditure occasioned by the Public Works in the Colony, for the purpose of meeting certain observations that are expected to be made upon the State of the Colonial Finances, we have the honor to enclose for Your Lordship's perusal, a copy of the answer to an Enquiry that we thought it necessary to address to Lt. Col. Bird, upon a practice that we had observed to prevail of making Advances from the Public Funds upon temporary Warrants, drawn before the Accounts of the Expenditure could be made out and audited.

From a recent examination of Mr. Jones, the person alluded to in the above answer, we find that this practice has been continued, both with respect to the Expenditure incurred in the Cottage in Government Garden, as well as in the repairs

and improvements at Camp's Bay, and at the Government House. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

*Letter from LORD CHARLES SOMERSET to the COMMISSIONERS
OF ENQUIRY.*

CAPE OF GOOD HOPE, 28 October 1825.

GENTLEMEN,—I have had the honor to receive your letter under date the 3rd Instant, in which you have been good enough (with reference to the communication I made to you on the 23rd August last, on the inadequacy of the Salaries of those Civil Servants of this Government who had suffered from the depreciation of the Currency) to enter into the particulars of the Finances of the Colony, and to point out to me the difficulties which appear to you to lie in the way of the proposed arrangement, without incurring an encrease of Expenditure, which under the present circumstances of the Colony could not in your opinion be authorized.

I am well aware of the difficulties to which you allude, and of the deficiency of the present Colonial Revenue to meet the actual Expences of the Government.

Upon this subject I have already communicated with Earl Bathurst, and you will perceive by the perusal of the accompanying Copy of my letter to His Lordship, that I have recommended, as the only effectual measure to meet the difficulty, that the Establishment of the Cape Corps should be defrayed by the Home Government.

I perfectly agree with you that in some of the Departments of Government a more improved system of administering their Finances may be introduced, and I trust also that reductions may be made in many of the Departments in the number of persons employed, but the compensation made to those retained must necessarily be largely encreased, as none but persons thoroughly competent can after such reduction be

employed, and it is not reasonable to expect that any could be found to undertake the encreased Duties and perform them with efficiency upon the very inadequate Salaries now given.

You are well aware of the state of the Burgher Senate and of the Office of the Sequestrator, and I only allude to them here as strong instances of the necessity of reorganizing the one and of adopting measures to prevent the very lamentable accumulation and arrear of business that has occurred in the other.

In one branch of the Government, viz. the Orphan Chamber, I think a considerable saving to the Colonial Treasury might be made, without trenching upon the fair claims and rights of the Chamber. I mean by calling upon it to defray the whole Expense of its Establishment, and at the same time to continue to pay in to Government the amount of the Duties on Sales by Vendue made in that Department.

As to suggesting any means of encreasing the Revenue, I conceive that the Burthens already imposed preclude the possibility of doing so by taxation, an encrease of duty however upon Imports, and a drawback of all Imposts levied upon Colonial Produce exported, would I think tend greatly to encrease the prosperity of the Colony. I would therefore propose to raise the present duty of $3\frac{1}{4}$ per Cent on Imports from Great Britain to 5 per Cent.

Taking the Imports for 1824 the $3\frac{1}{4}$ per Cent duty produced Rds. 97,831 4 sks., which at 5 per Cent would have produced Rds. 150,510, leaving an encrease of Rds. 52,678 4 sks., which would more than cover the drawbacks proposed, and should the Exports encrease so as to make the drawbacks exceed that Sum, it would be a proof that the System was operating in the most beneficial manner for the permanent prosperity of the Colony. I am therefore of opinion that it would be important to obtain the sanction of His Majesty's Government to this measure.

In regard to the more Economical Administration of the District Taxes, I certainly am of opinion that a better system might be introduced by abolishing the District Chest, by collecting all Taxes of every kind on account of the Colonial Treasury, and by allowing of no Expenditure of Public Money in any of the Districts without the previous sanction of Govern-

ment, and by public Warrant, as is now practised with disbursements of all the Government Offices and Departments in Cape Town.

On this subject however, as well as on any other which may apply to the proposed arrangement, and in which it appears to me the Interests of Government are fully as much concerned as those of Individuals, I shall be most happy to receive your suggestions and advice.

I cannot conclude this letter without apologizing for the delay which has taken place in my reply to your Communication, and which has arisen from my time having been so completely occupied within the last fortnight in preparing for His Majesty's Government numerous Documents in explanation and refutation of the Petition presented to the House of Commons by Bishop Burnett. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from MAJOR GENERAL BOURKE to R. W. HAY, ESQRE.

SOUTHAMPTON, *October 28th 1825.*

MY DEAR SIR,—I found your letter of the 25th here on my arrival last night, but at too late an hour to reply to it by that post.

I have not a copy of Earl Bathurst's dispatch to Lord C. Somerset of the 20th August last, but as well as I recollect it contains a summary of His Lordship's views as to the establishment of a separate Government in the Eastern part of the Settlement of the Cape of Good Hope, and draws an outline of the manner in which his Lordship wishes I should be employed in promoting this object. I am not certain whether the dispatch alludes to any instructions to be given specially to me by Earl Bathurst, or whether it is left to Lord C. Somerset to supply them ; but I submit that for obvious reasons it will be advisable that I receive them from Lord Bathurst. In truth from what fell from his Lordship I had conceived that I was to go out (as I have been gazetted) Lieutenant Governor

of the *Eastern District*, with instructions to proceed immediately upon the duty of inspecting the Eastern provinces and reporting to Earl Bathurst upon every matter connected with their separate Government, unless prevented by being called upon to take charge of the whole Colony on the departure of Lord C. Somerset for England. It was under this idea that I took the liberty of suggesting the third paragraph in the memoranda left with you on the 30th ultimo.

Under the same idea of being destined for a separate Government, I stated in my letter of the 27th ultimo the inexpediency of my taking a seat in the Council now established at the Cape, or of taking upon me in either the civil or military departments any of the duties formerly discharged by the Lieutenant Governor at the Cape who had no separate Government in view. Lord Bathurst agreed with me in this particular, except as to the propriety of my abstaining from Council when in Cape Town, and on this point his Lordship was so good as to say he would give me his instructions and also a written answer to the other matter contained in my letter. I have only to add on this head, that if it shall be judged right to place me in Council, I should naturally take the *second place*; and consequently the order of the King under which the Council has been formed will require new modelling in this particular, for if I take my seat, as you suggest, as "the officer next in command of the troops to the Governor," (according to the wording of the existing order) I should rank after the Chief Justice and Colonial Secretary, which could not have been intended.

With regard to the military part of my duty to which you allude, it is simply this. I am directed by the Adjutant General to place myself under the command of General Lord C. Somerset. The exercise of military command over me if I am to be considered as Lt. Governor in a separate Government, will however amount to little more on the part of the Governor than allotting the number and description of Troops to be quartered in the Eastern District and the moving or relieving them at his pleasure, as is now practised in Canada. The former Lieutenant Governors of the Cape, who were either themselves Commanders of the Forces or second in command, usually had the Troops brigaded under their orders and were considered responsible to the Governor for their discipline and

conduct. If shortly after my arrival at the Cape I am to be employed in inspecting the Eastern Provinces, whether under Lord Bathurst's or Lord C. Somerset's instructions, it is evident I cannot sufficiently attend to this duty, and therefore I suggested the propriety of not interfering with the senior regimental officer in Cape Town, to whom it is now entrusted.

If I am to be honored with Lord Bathurst's instructions, allow me to call your attention to the 4th paragraph of the Memoranda of the 30th ulto., as I confess I see great difficulty in the formation of a second Government at the Cape in the present state of its finances.

I have availed myself of your permission to enter into this explanation, and have gone to this length for the purpose of obviating any future misunderstanding. I have &c.

(Signed) — RICHD. BOURKE.

[Copy.]

Letter from the SECRETARY TO GOVERNMENT *to* DR. JAMES BARRY.

COLONIAL OFFICE, 29th October 1825.

SIR,—I am directed by His Excellency the Governor to transmit to you an Extract from the proceedings of a Council held yesterday, containing the Opinion of Council relative to the Medical Department now under your superintendence. And I have to acquaint you that it is His Excellency's intention to abolish the Office of Colonial Medical Inspector and to reappoint the Supreme Medical Committee from the 1st of the ensuing month of November. I have &c.

(Signed) RICHD. PLASKET, Secretary to Government.

[Original.]

Letter from MR. CHARLES D'ESCURY to EARL BATHURST.

CAPE OF GOOD HOPE, 29th October 1825.

MY LORD,—I beg leave to acknowledge the receipt, within these few days, of the letter Your Lordship has done me the honor to write, dated 30th May 1825. With unfeigned regret I perceive that Your Lordship still retains the opinion that I had intentionally brought forward charges against His Excellency the Governor, from motives so unworthy as those of private resentment. I had entertained the most sanguine hopes that the two letters addressed by me to His Majesty's Commissioners of Inquiry, on the 29th and 31st of May 1824, would have had the effect of perfectly convincing your Lordship that the several documents transmitted by me relative to the Land Tenure in this Colony had not in the remotest degree for object the investigation of the past, with the view to attach blame anywhere, but simply to regulate for the future, which the occasion of the appointment of a Commission for inquiring into what demanded reform seemed expressly to require; and so anxious was I that Your Lordship should not misconceive my motive, that in my conveying letter to Mr. Wilmot Horton, on the 15th of March 1823, I distinctly said, that "I trusted nothing invidious could be attached to what I had stated, which I begged might be considered, *not as charges preferred*, but as circumstances deduced in support of the ground I had taken." And at the same time, in order to guard against the paper that relates to the Agricultural Establishment here, which was sent together with those on the Land Tenure (a circumstance I had accounted for before) being considered as connected with the latter, I said in the same letter "I have now added the particulars relating to the Government Farms at the Groote Post, *which belong to the papers I have had the honor of enclosing to you on the 22d of February last.*" And also in that part of the said paper to which Your Lordship directed the attention of the Commissioners, I had purposely stated that, the circumstances there adverted to must be considered "*only as accidental coincidences,*" which was meant

by me in order to prevent any undue motive being considered to be implied in what I then adduced merely in illustration.

I must crave Your Lordship's indulgence for this trespass on Your Lordship's attention, but I should ill evince the value and importance I attach to Your Lordship's favourable consideration of my conduct if I had not once more endeavoured to explain this point.

May I now be further permitted, in vindication of my own character, and in justice to others, most solemnly to declare to Your Lordship that, in whatsoever I have said or done, with respect to the Communications alluded to, I have not directly, nor indirectly, acted under the influence, nor even with the previous knowledge of any man, on the contrary, I have intentionally, and cautiously avoided communicating with any one on the subject, because that conceiving that I was conscientiously discharging an unpleasant duty (that of recommending a greater check to be put on the Executive Power in this Colony) I would not expose any other person to be involved in the responsibility that might attach to it.

Highly flattered and gratified however on the other hand, by Your Lordship's approbation of my official conduct and general deportment, as represented by His Majesty's Commissioners, I beg most respectfully to assure Your Lordship that it shall ever rank foremost in the objects of my ambition, by perseverance in the same course, to merit the continuance of Your Lordship's favourable opinion and protection. With the greatest respect &c.

(Signed) CHS. D'ESCURY.

[Original.]

Letter from MR. D. P. FRANCIS to R. W. HAY, ESQRE.

5 JEFFREYS STREET, KENTISH TOWN, 29th October 1825.

SIR,—In consequence of the Report of the Commissioners of Inquiry at the Cape of Good Hope upon my Case as a British Settler being of so different a Character to what I anticipated and conceive had a right in justice to expect, I beg to be

informed whether I am intitled to a Copy of the Evidence and Report upon the Case in question.

If I am I request to be furnished with a Copy at your early convenience.

I trust such a request as the above will not be deemed unreasonable, as I think in justice I ought to have the opportunity of ascertaining whether or no the Individuals I named to the Commissioners have been examined upon Oath as I requested they should be, to support or disprove my Statements.

As I conceive that it is a duty I owe to myself to shew that I have not made false or groundless complaints against anyone, I hope this request will be complied with. I have &c.

(Signed) D. P. FRANCIS.

[Copy.]

Letter from the Commissioners of Enquiry to the Secretary to Government.

GRAAVE STREET, 31 October 1825.

MY DEAR SIR,—It has been currently reported in Cape Town, and we have reason to believe upon the authority of Dr. Barry, that in one of the Interviews that he had with you during the investigation of the state of the Gaol by the Fiscal, an expression fell from you in answer to his declared intention of laying the circumstances of the case before us “that if he did so it would be his certain ruin, and that he would be immediately dismissed from his situation.”

As we are very reluctant to believe that these expressions have been used by you in the sense in which they have been represented to have obtained currency, and at the same time as we sensibly feel the effect that they must have upon our public character and station in the Colony and the probability of their being reported to your Prejudice elsewhere, we hasten to state them to you, as they have been represented to us, and shall await, not without anxiety, the explanation that you may wish to afford. We beg &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Copy.]

Letter from the Secretary to Government to the Commissioners of Enquiry.

OFFICE, Monday afternoon, 31 October 1825.

MY DEAR SIRs,—I have just received your private and confidential Note and hasten to reply to it.

About two or three months since Dr. Barry called upon me, and in stating some circumstances relative to the Fiscal or his Department which had occurred in the execution of some enquiry or inspection at the Prison which he had undertaken by authority of Government (I really forget what the subject was) Dr. Barry stated that he should report this to the Commissioners of Inquiry, to which I replied that it was his duty to report them to Government, and not to the Commissioners of Inquiry, and upon his repeating his intention, I told him very candidly that if I were Governor, and any Government Officer reported to the Commissioners instead of reporting to Government upon any matter that he was desired by Government to investigate into, that I would dismiss him from his situation. But I beg leave to say that I never used the Governor's name, and merely gave it as my own opinion, and which I still most decidedly maintain. I never even mentioned the subject to Lord Charles.

As to the investigation of the state of the Gaol by the Fiscal having anything to do with it, you will perceive from the date that it was long before these Proceedings commenced. And as to Dr. Barry's affording you any general information upon the state of any Department (which had nothing to do with the conversation with me) I am of opinion that unasked for he ought not as a Government Officer to do it but through the Government. If asked for it becomes his duty to do so without reference to Government.

These are my opinions with regard to information given to you as Commissioners of Inquiry by Government Officers, and I have not the smallest wish to conceal them from you, or from the Governor or from Lord Bathurst, tho' I do not believe I ever mentioned the subject to any one.

I shall, with your permission, transmit copies of your note and my reply to Lord Bathurst.

Many thanks for the manner in which you have communicated with me. Very faithfully yours,

(Signed) RICHARD PLASKET.

I have written this in a hurry, but I hope to-morrow to be able by referring to Dr. Barry's correspondence with Government to state more precisely what was the subject that led to my remark.

[Copy.]

Letter from HARRY RIVERS, ESQRE., to the COMMISSIONERS OF ENQUIRY.

SWELLENDAM, 31st October 1825.

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of the 28th instant, enclosing an extract from a statement of Mr. Bishop Burnett, in which he alleges, that after declaring he had no property to offer in payment of a sentence that had been obtained against him by Mr. Hart, but that he had a claim on the commissariat for grass supplied by him to the Cape corps, which would more than cover the amount, I declined receiving the claim on his formally tendering it in payment of the sentence ; and I have the honour, in reply to your questions thereon, to state that I do not recollect Mr. Burnett making any such tender to me, as agent of the sequestrator, of his claim on the commissariat in payment of the sentence which had been sent to me for execution, but Mr. Burnett declared to me on oath that he did not possess any property whatsoever, having assigned every thing to Messrs. Ebdon and Eaton, to whom he then only acted as agent, which declaration I reported to the sequestrator.

Mr. Burnett has however, on several occasions, stated to me that he had such a claim, which had not been admitted by the officer commanding the Cape corps, or the commissariat, and for the recovery of which he had unsuccessfully instituted proceedings before the Commission of Circuit in October or

November 1821, three months previous to his unqualified declaration of possessing no property which he could assign in payment of the sentence in force against him, and under these circumstances a return or report to the sequestrator of such a claim could not be made.

I have no recollection of any such protest as that stated by Mr. Burnett, but if he presented it I could not but have received it, and I am confident it will in such case be found among the documents in the sequestrator's department at Graham's Town.

In reply to the latter part of your letter I have the honour to state, that I recollect Mr. Buissinné, one of the commissioned members of the Court of Circuit in 1822, stating, after having questioned me as to the then state of the proceedings in the sequestrator's department at Graham's Town against Mr. Burnett, that he knew the subject of Mr. Burnett's insolvency had lately been under the consideration of government in consequence of some alleged irregularity, but I do not recollect his stating in what the irregularity consisted.

I beg to state that I have answered your inquiries from memory, not being in possession of any of the documents of the sequestrator's department in Albany. I have &c.

(Signed) HARRY RIVERS.

[Copy.]

Report of MESSRS. TRUTER AND BORCHERDS to the CHIEF JUSTICE.

CAPE TOWN, 31st October 1825.

SIR,—We have the honour to acknowledge the receipt of your letter of the 1st instant, enclosing one from the secretary to government of the 22nd September last, calling for a full elucidation respecting some serious reflections which Bishop Burnett had made with regard to us, as having constituted the Court of Circuit in the year 1823, in a petition addressed by him to the House of Commons, together with an extract from said petition, and requiring from us an ample report of

the proceedings held, in order to enable your Honor to give the required elucidation to his Excellency the Governor and Commander-in-chief.

Conformably thereto, we have the honour to return the above-mentioned letter and extract from the petition; and to report,—

That on our arrival at Graham's Town in the year 1823, we received a list of the civil cases to be brought before us, on which we found entered, *sub* Nos. 4, 5, 6, 7, 8, 14, 15, 16 and 17, the following cases,—

- Three of Burnett *versus* Hart;
- One of - Ditto - *versus* Ditto and the Sequestrator;
- One of - Ditto - *versus* Sequestrator; and
- Four of Hart - *versus* Burnett;

as will appear by the extract of said list hereunto annexed.

From an inquiry and statement of the district clerk, it however appeared that some of these actions were split, and comprehended the same object of dispute, and that therefore it would be more regular to combine these in one; which having observed to the parties, in the course of the proceedings, we, with their concurrence, combined the cases 4 and 6, 5 and 8, and 16 and 17, so that by this arrangement the following actions subsisted between the parties:—

- (A.)—*Hart versus Burnett*, for the cancelling of a lease of the place named Doorn Valley, situated near Graham's Town, executed before the notary public, F. H. Staedel, and witnesses, on the 13th June 1820, and for an ejectment from said place.
- (B.)—*Burnett versus Hart*, for giving an illegal warning to quit the place Doorn Valley, taken by the plaintiff from the defendant, and a positive order to quit said place in the month of April 1823.
- (C.)—*Burnett versus Hart and the Sequestrator*, for damages for illegally conspiring to drive him from the place Doorn Valley, in the month of July 1822.
- (D.)—*Hart versus Burnett* for debt, for two years rent of said place, from the 15th May 1821 to the 15th May 1823.

(E.)—*Hart* versus *Burnett*, for damages, for illegally taking away a number of fruit trees from the place Doorn Valley, and for breaking down or otherwise destroying two buildings erected on said place.

(F.)—*Burnett* versus *Hart*, for defamation.

On an examination of the records of the Court of Circuit of 1822, we found that the case entered No. 14 on the list had been already brought before that Court, and that the following disposition had been given : “The Court postpones this case, as it has appeared that the defendant Burnett has not had proper time to prepare himself for his defence.” And for this reason we judged it expedient, pursuant to the 13th Art. of the Proclamation of the 10th May 1811, to commence with the trial of this case, but being informed by Burnett that he had arranged his statement according to the order of the cases as they were entered on the list, we resolved not to decide on any one of them until the parties should have been heard in all.

The cases were all accordingly brought forward in the order we prescribed, and the parties had the fullest opportunity of advancing everything they wished, in the several actions pending between them, till that at last the personal remarks of Burnett having undergone our censure, he, towards the conclusion of his defence, declined to read any farther, as will appear from the records. Having maturely deliberated on all the circumstances, we, on the 6th November 1823, came to the following decisions :—

In the case (A.)—As Bishop Burnett had failed in the payment of the yearly rent of the place Doorn Valley, conditioned for in the lease of the 13th June 1820, confirmed by a subsequent certificate from the former secretary, Staedel, dated the 23rd September 1823, (*vide* the Exhibits filed in the proceedings,) we adjudged that Hart was entitled to the possession of the place Doorn Valley, and therefore that Burnett should immediately quit, with authority to the landdrost, if necessary, to carry this sentence into execution forthwith, and condemnation of Burnett in the costs, subject to the taxation and moderation of the board of Landdrost and Heemraden there.

In the case (B.)—As we conceived that the warning to quit was well and legally given, because the rent was not paid at the stipulated time, we rejected the claim against Hart, with the costs.

In the case (C.)—As the question was of great importance, as well to Burnett as to the sequestrator, we resolved, pursuant to the 43rd art. of the Proclamation of the 16th May 1811, to reserve the decision to the full Court, by which disposition Burnett gained a particular advantage, as having obtained time to provide himself with proofs of his solvency, which he could avail himself of, in case the exception proposed by the sequestrator should be rejected.

In the case (D.)—We decided that Hart should be paid the rent stipulated for in the lease, and therefore Burnett was condemned to the payment of *R.* 600, with the interest since the 25th May 1822 (being the pay-day), and also to the payment of a like sum of *R.* 600, with the interest since the 25th May 1823, and the costs.

In the case (E.)—We were of opinion that Hart had not shown sufficient grounds to demand damages for carrying away fruit trees, or destroying of buildings, but that he was entitled to the rent of the place from the 25th May 1823, to the day that Burnett should quit; and we declared that Burnett could suffice with the payment of the rent to Hart and the costs, and rejected the further claim of Hart for damages.

And finally, the case (F.) was not proceeded in any farther at the instance of Burnett. From all these decisions Burnett immediately noted appeals to the right honourable Court of Appeals without having prosecuted any of them.

Previously to giving these decisions, we did not omit taking into consideration the documents filed in the commencement of the proceedings which are noted in the records, and especially the extract resolution passed by the Court of Justice on the 5th September 1823; a letter from the Sequestrator, dated 10th September 1823, and government letter of the 14th August 1823, on the subject of the memorials of R. Hart and Charles Stone; the former complaining of delay in the execution of a sentence against B. Burnett, and the latter as a creditor in the estate of Bennett, which could not be liquidated

on account of a debt of R. 2,500 due to it by Burnett. We also read the memorials of J. Devenish and James Carney, likewise complaining of delay in the execution of sentences which they had obtained against Burnett, and finally, a report from the sequestrator on the memorials of Hart and Stone ; and all these documents made us resolve, previously to the adoption of any measures in this regard, to direct the landdrost of Albany, as the agent of the sequestrator, (the secretary, who was the agent of the sequestrator in 1823, not being then on the spot,) to send in to us a report of his proceedings concerning the execution of the sentences against Burnett, and also a copy of the inventory of Burnett's estate mentioned in a letter from him, the landdrost, to the sequestrator, dated 10th May 1822.

On receiving that report, with the documents annexed to it, we found that Burnett had not only frequently declared, under offer of oath, that he did not possess any thing (*vide* among the documents extract from the landdrost's journal, dated 31st October 1821, and letter dated the 6th November 1821), but that he had actually made oath repeatedly to the same effect, as will appear by the declarations of the 30th March and 9th July 1822 ; and also, that he had assigned over his property to only one of his creditors ; so that we found ourselves obliged to take some step to secure the remainder, which according to the inventory was trifling, and at once to be enabled to ascertain the true state of the estate. We therefore directed the landdrost to summon said Burnett, at the utmost within eight days, before commissioned Heemraden, in order still to make a return of property ; and in case of the return being insufficient, or Burnett refusing to appear, immediately to take an inventory of all his property of whatever nature, and thereupon to forward the return of inventory forthwith to the sequestrator, or to his agent, in order to proceed to execution ; further directing the landdrost as R. O. prosecutor, to make inquiry into the charge preferred by Charles Stone against Burnett of fraudulent conduct with respect to his creditors, and to proceed therein as he might deem advisable, leaving to the creditors, in case of any deficiency on their claims, to take such steps for the maintenance of their good right as they might think proper ; the term of

eight days having been an indulgence to Burnett, to afford him an opportunity of making an arrangement with his creditors ; and finally, we granted a copy of Burnett's written defence, as containing insults to, and charges against the constituted authorities, to His Majesty's fiscal, in order that he might act therein, as he, by virtue of his office, should deem meet. We therefore trust, that by comparing what we have stated above with the proceedings held, and the documents filed therein, it will clearly appear to your Honor,—

1^{mo}. That the arrangement of the cases was not made arbitrarily, but with the concurrence of the parties, towards the promotion of regularity, and a better understanding of the different questions pending between them.

2^{do}. That even if Burnett had fully proved his solvency in the case (A.) no other decision could have been given, the sentence being founded on the doctrine of *S. Van Leeuwen*, laid down in his *Commentaries on the Roman Dutch Law*, book 4, part 21, § 7, *in finem*.

3^{tio}. That the sentences in the cases (B.) and (D.) on the grounds of the same doctrine, must have followed as the necessary consequence of the stipulations of the contract.

4^{to}. That in the case (E.) the sentence regarding the costs was given on the grounds that Hart was entitled to rent for the place Doorn Valley, from the 25th. May 1823 to the day that Burnett should quit.

5^{to}. That in the case (C.) the decision was reserved to the full Court, on account of the importance of the question, where Burnett would have every opportunity, in case the exception of the sequestrator should be rejected, to plead and advance every thing he might wish respecting the advertizing of his insolvency in the *Gazette*, and the sequestrator also to defend himself ; and that it would have been a great injustice to have deprived the sequestrator thereof, because we found that he was not properly represented at Graham's Town, in consequence of the absence of his agent, and also was not specially cited to appear.

6^{to}. That Burnett, notwithstanding the favourable disposition of the Court of Circuit in 1822, did not produce any further proofs to us of his solvency.

7^o. That Burnett, having noted an appeal, he *regularly*

should have prosecuted the same before the Court of Appeals here, within twelve weeks, pursuant to the 56th and 60th Art. of the Proclamation of the 16th May 1811, and which he could have then carried further to the King in Council.

8°. That the measures adopted on the memorials of Hart, Stone, Devenish, and Carney, after having heard the report of the landdrost had no other objects or tendency than to give effect to the 62nd and 63rd Articles of the Sequestrator's Instructions, and for once to show the real situation of Burnett's estate, and also to prevent that the holders of legal sentences, the creditors, or other interested parties, should be no longer kept back from their own by a *pretended and unproved solvency*, which was the more necessary, as the landdrost's report confirmed Burnett's insolvency in our eyes.

9°. That the order to the landdrost to inquire into the charge of fraudulent conduct preferred by C. Stone, so far from inculcating Burnett, on the contrary afforded him an opportunity, if innocent, to vindicate himself; for at all events it did not contain any decree for a provision of justice.

10°. And finally, that the accusations and indirect charges against the constituted authorities, contained in Burnett's written defence, must have called our attention, so that we found ourselves obliged to take at least the mildest step, namely, of bringing it to the cognizance of him, who by the 17th article of his instructions, is charged with the maintenance and protection of all the high and low authorities in the colony.

We shall now conclude with assuring your Honor, that in all our proceedings in this case we have had no other object in view than to maintain and administer justice, as men of honour, to the best of our ability, and according to our consciences; and we solemnly declare, on the oath taken by us on entering on office, that we were not further acquainted with the disputes between Burnett and Hart, previously to our arrival at Graham's Town, than what appeared from the records; that we never before had any connection or transaction whatever with the parties; that even their persons were totally unknown to us; and that (if it were necessary to say so) no attempt was ever made by the colonial government or any individual belonging to it, either directly or indirectly, to influence our proceedings in this case.

Hoping that we have herewith enabled you to comply with his Excellency's desire, and referring to the records held, and documents filed in this case, we have &c.

(Signed) P. J. TRUTER,
P. B. BORCHERDS.

The foregoing is a true copy of the original report, transmitted by Sir John Truter for the perusal of the Commissioners of Inquiry, 21st November 1825.

(Signed) JOHN GREGORY, Sec.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST,

CAPE OF GOOD HOPE, 1st November 1825.

MY LORD,—I have the honor to transmit to Your Lordship copy of a letter which I have deemed it necessary to address to the Secretary to the Master General of the Ordnance, praying that Lieut. Hope of the Royal Engineers, who has been for some time past acting as Surveyor in the district of Albany, may obtain leave of absence from his Corps until he has finished the important duty of fixing the Boundaries of the Lands granted to the British Settlers, and which from the experience he already has of the local situation of those Lands from actual inspection can I trust be accomplished by him within a few months, whereas if he were recalled, and a new Surveyor appointed, it would take as many years to complete this important duty.

I trust Your Lordship will be kind enough to use your influence with the Master General of the Ordnance on this point of Public Colonial Service. I have &c.

(Signed) CHARLES HENRY SOMERSET,

[Enclosure in the above.]

CAPE OF GOOD HOPE, *October 25th 1825.*

MY LORD,—I have the honor to transmit a letter I have received from Lieut. John Hope, Royal Engineers, praying for twelve months leave of absence to remain in this Colony.

As Lieutenant Hope is not attached to the army on this station, I should have returned his letter to him for the purpose of being transmitted by himself for the consideration of His Grace the Master General, as it might be construed into an undue interference on my part, but as his departure from the Frontier of this Settlement previous to the completion of the duties which have been entrusted to his charge, would seriously impede the Public Service, and be extremely injurious to the interests of the British Settlers, Lieut. Hope having been employed to assist the Civil Commissioner in fixing the Boundaries of the respective Locations and which have been subsequently confirmed by me, which very arduous and tedious duty would have to be gone through again, I trust His Grace will be pleased (on this public ground) to allow Lieut. Hope to complete this duty previous to his return home.

I have done myself the honor to state the peculiar circumstances that rendered it so desirable that Lieut. Hope should complete these duties to Earl Bathurst who will, I doubt not, communicate with His Grace the Master General on the subject.

I was induced to appoint Lieutenant Hope to the Service above named from the obliging manner in which His Grace was pleased to sanction his holding the appointment of Surveyor to the District of Albany, communicated in Your Lordship's letter addressed to General Mann, dated 24 September 1823. I have &c.

(Signed) CHARLES HENRY SOMERSET.

The Right Honorable
Lord Fitzroy Somerset, K.C.B.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 1 November 1825.

MY LORD,—I have the honor to transmit to Your Lordship Copy of a Proclamation which has been passed in Council and promulgated here, for separating from the office of His Majesty's Fiscal the Superintendence of the Police, and of another one passed on the same day detailing the Duties to be entrusted in future to the Department of Superintendant of the Police.

I have no doubt that this arrangement (which is one that I have long wished to accomplish) will prove highly beneficial to the Colony. The duties of His Majesty's Fiscal, under the old Dutch system, were so numerous and have as the population increased so greatly augmented, and were in some instances so incompatible with each other, that there has always been an ill feeling in the minds of the public and particularly of the British Residents, against this department.

The Commissioners of Enquiry are perfectly alive to the necessity of a change in this office, and will no doubt have reported to Your Lordship on the subject.

The additional Expence attendant upon this arrangement will be but trifling, and will be explained to Your Lordship with the next quarterly report on the appointments and changes which have occurred under this Government. I have &c.

(Signed) CHARLES HENRY SOMERSET,

[Copy.]

Government Minute.

His Excellency the Governor has been pleased to abolish the Office of Colonial Medical Inspector, and to re-establish the Supreme Medical Committee, which was originally instituted by Proclamation under date 24th April, 1807, with Power and Authority to carry into effect the Provisions contained in the Proclamations of 24th April and 18th August, 1807, as revised

and corrected by the subsequent Proclamation of 26th September, 1823 ; and to exercise all the Duties which were by that Proclamation, or which may since have been attached to the Office of Colonial Medical Inspector.

CAPE OF GOOD HOPE, 1st November, 1825.

By Command of His Excellency.

(Signed) R. PLASKET, Secretary to Government.

[Copy.]

Letter from the Commissioners of Enquiry to the Secretary to Government.

GRAAVE STREET, 1st November 1825.

MY DEAR SIR,—Since we had the pleasure of receiving your letter of yesterday's date, we have seen Dr. Barry and requested him to state to us distinctly the subject of the communication he had with you and that had given occasion to the Expression that had reached us. He states that in consequence of the Judicial Decree that had been issued against him for refusing to answer the Interrogatories of the Fiscal under pain of imprisonment, he had repaired to your Office, and after stating the circumstances in which this decree placed him, he declared that as it was a matter of public concern in which any Officer of the Government who was called upon to make a Report upon a particular subject of investigation might be exposed to the same embarrassment and difficulty in which he was then placed, and as he understood that the Governor had expressed doubts respecting the necessity of his answering to the Interrogatories of the Fiscal, he should, in such case, bring the circumstances of his situation to the knowledge of the Commissioners of Inquiry, not as a matter of complaint, but as requiring their cognizance for the benefit of those who might hereafter stand in a similar situation. To this observation Dr. Barry states that you replied "Then if you do, Sir, you shall be dismissed from your situation."

As we have very little doubt that this declaration has been

coupled in the public mind with the recent retirement of Dr. Barry from the situation that he held, we certainly feel very desirous of being able to contradict it or to place it in any other point of view than that in which it has been represented to us.

We beg to remain &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Copy.]

Letter from the Secretary to Government to the Commissioners of Enquiry.

1st November 1825.

MY DEAR SIRs,—I have received your note of this morning in which you have given me Dr. Barry's statement of the circumstances which led to the observation I made about his being dismissed from Office, and I have not the least hesitation in saying that Dr. Barry's assertion is totally and completely unfounded in fact, and I fortunately have sufficient proof that it is so.

So far from Dr. Barry having communicated to me what had taken place between him and the Fiscal, the first intimation I had of it was when Lord Charles sent for me to Government House to be present at an audience which Dr. Barry in conjunction with Mr. Kekewich, Judge of the Vice Admiralty Court, had requested of His Lordship, when Lord Charles put into my hands a letter he had received from Dr. Barry sent *direct* to His Excellency and not officially through me, stating what had occurred. And on Mr. Kekewich and Dr. Barry coming into the room, after a short conversation, Lord Charles asked me my opinion. I stated that I thought the Fiscal was decidedly wrong in having called upon Dr. Barry to swear to an Official Report he made to Government without the previous sanction of Government and proper intimation to Dr. Barry ; but I stated at the same time that I thought Dr. Barry was equally wrong in not attending the summons (as I thought

had been the case), to which Dr. Barry replied " I did attend," you do not know what passed ; and he then put into my hands the correspondence and proceedings that had taken place, and which was the first information I had of the nature of those documents. I beg to refer, if necessary, to Mr. Kekewich as well as to Lord Charles as to the correctness of this part of the Interview.

Indeed Dr. Barry's letter to the Governor, of which I enclose a copy, will confirm my statement. He never alludes to any previous communication with me or with Government, but states the circumstances and says he has been *advised* to submit his case to His Excellency.

As to Lord Charles having expressed any doubts upon the subject of the Fiscal's proceedings, and to Dr. Barry stating that it was in consequence of such doubts he had deemed it necessary to refer to you, all I can say is that no such conversation nor any other having the slightest allusion to it ever passed with me.

From the first moment I heard of what had actually occurred (which was as above mentioned) I expressed my conviction that the Fiscal was in error, and that Officer will tell you the long argument I held with him in endeavouring to convince him that he was wrong and that he had mistaken throughout the intentions of Government.

Had Dr. Barry, instead of tearing the Fiscal's first summons and throwing it into the Messenger's face, reported to Government officially the nature of the transaction, the whole of the proceedings would have been immediately put a stop to, as the Government was perfectly ignorant of what the Fiscal was doing, or would immediately have set him right. But he preferred to consult his private friends. I remain &c.

(Signed) RICHARD PLASKET.

P.S. It strikes me on recollection that the period when I made the observation to Dr. Barry was on his stating to me verbally what had taken place on his examination of Aaron Smith, the lunatic, wherein he spoke of the brutality of the Denaar, and this was the point I think, he said he would report to you, and which after my conversation with him, if I am correct, he reported officially to Government in his letter

of 25th August. I cannot be perfectly sure of this, but I am satisfied it was about that period, as I stated in my first note to you.

(Signed) R. PLASKET.

[Original.]

Letter from the SECRETARY TO GOVERNMENT *to* R. WILMOT
HORTON, ESQRE.

CAPE OF GOOD HOPE, 1st November 1825.

MY DEAR SIR,—You will have heard that Lord Charles has decided on returning to England to meet in person the numerous charges which have been brought against him. I have strongly advised him so to do, being convinced from the personal and vindictive feelings which actuate his accusers, that nothing but being himself on the spot can enable him to explain away or to refute the unfounded or exaggerated statements that are and will be made against him.

Sir Rufane Donkin will lead them on, and Colonel Bird is gone home full of this revengeful spirit, and of personal hostility to join the party.

Independent of the necessity of Lord Charles meeting the charges which may arise from these feelings in person, I think after what took place in the House of Commons, that the fact of his refusing to take advantage of the leave of absence granted to him would in itself have created a very strong impression against him in England.

He has been very much hurt at the letter he has received from Lord Bathurst relative to Mr. D'Escury's business, not having seen the Report of the Commissioners in this case, I cannot judge of its merits, but it certainly does appear to me that too much stress is laid upon the value of a grant of land in this country as connected in these proceedings with the sale of a horse. A few years ago every man who had possessed himself of Government land, without leave or authority of any kind, was requested by proclamation to come forward and to state what they wished to have measured off for themselves.

Since that period a petition to Government from whomsoever it may come, if the petitioner has any stock or means, is sufficient to obtain a grant of land, provided no one had previously asked for it. The petition is referred as a matter of course to the Landdrost, who orders it to be inspected and surveyed, and unless some objection be stated by him or the Inspector of Lands, to whom it is subsequently referred, as to public roads or water courses, the grant is made as a matter of course, and the only point to settle is the quit rent, which is very low indeed. In fact, tho' we call it a grant, they look upon it as a purchase, because before they can get it they must pay the expenses of survey, which are very heavy indeed, and may be calculated at the lowest at ten years of the rent, and the lower the rents are the expenses of survey are proportionally higher. There is not a single post from the interior that does not bring a dozen petitions for land.

It is very true that since the arrival of the Settlers the land in Albany and in other districts where they have been located has considerably risen in value, but the transaction in question took place long before the Settlers were established.

The worst of the business is that while Lord Charles is acquitted both by Lord Bathurst and by the Commissioners of having been at all implicated in the misconduct of the Agent Mr. Poggenpoel, Mr. D'Escury who has received some communications from your office, of which Lord Charles is ignorant, walks about the town in triumph, and states that he has received the most satisfactory letters from Lord Bathurst, which naturally leads people to conclude that his charges against Lord Charles have been fully substantiated.

I have no doubt that Lord Charles, from his fondness for horses, entered into the system of breeding and selling from public motives, and for the benefit of the Colony. The risks of importation from England never could warrant private speculation for profit, and however much the system may be disapproved of, and I have nothing to say on this point, he ought at all events to have the benefit of such motives, and to be tried on such grounds. It was scarcely possible for him to sell a horse to any Colonist who had not a petition in the public offices for land, loans, &c., or a cause in some of the Public Courts of Law, but it would be very hard if all his

decisions as Governor were construed as having reference to the horses sold.

I feel more strongly for Lord Charles on this point, because I see the vindictive spirit in which his accusers are actuated. The Commissioners have lately sent him extracts from Col Bird's observations on the issue of public money from the Treasury, in advance for the workmen employed on Government buildings, which are full of spite and revenge, indeed in my opinion so unjust that the charges cannot but fall upon Col. Bird himself.

I will write to you shortly upon these observations, as will also Lord Charles.

One of the greatest misfortunes attendant upon Lord Charles in the administration of this Government has been the incompetent persons he has had to carry on business with. Colonel Bird is an exception to this, but I must confess I don't think his system has done credit to his talents and experience in business. I have &c.

(Signed) RICHD. PLASKET.

[Original.]

Letter from the SECRETARY TO GOVERNMENT *to* R. WILMOT
HORTON, ESQRE.

CAPE OF GOOD HOPE, 1st November 1825.

MY DEAR SIR,—I have frequently written to you upon the necessity of new modelling our Port Establishment here.

I now merely beg to state that Lieut. Johnson of the Royal Navy, who commanded the *Enterprise* Steam Vessel, and who has lately left this for Calcutta, expressed his wish to be employed under this Government, should any vacancy occur in the office of Captain of the Port, after his present voyage has expired.

I stated to him that I would mention the subject to you. I do not know anything of Mr. Johnson beyond what I saw of him here, but his character must be known in England, and I merely mention him to you as a man likely to answer our

purpose here. He is I understand a good practical seaman, and a very gentlemanly sensible man. I have &c.

(Signed) RICHARD PLASKET, Secretary to Government.

[Copy.]

Government Appointments.

His Excellency the Governor has been pleased to Nominate and appoint the following Gentlemen to be Members of the Supreme Medical Committee, established by Government Minute under this day's date :—

John Arthur, Esq., M.D. Physician to the Forces.

J. H. F. C. L. Wehr, Esq. M.D.

L. Liesching, Jun., Esq. M.D.

W. H. Lys, Esq. Surgeon.

John Murray, Esq. Surgeon to the Forces.

And Mr. T. K. Deane, to be Secretary.

His Excellency is further pleased, during the absence on leave of Dr. Wehr, to appoint Dr. Andrew Smith to act as Member of the above Committee.

CAPE OF GOOD HOPE, 1st November 1825.

By Command of His Excellency.

(Signed) R. PLASKET, Secretary to Government.

[Original.]

Memorial of MR. HUGH HUNTLEY to EARL BATHURST.

To the Right Honorable the Earl of Bathurst, K.G., His Majesty's Principal Secretary of State for the Colonies, &c., &c., &c.

The Memorial of Hugh Huntley (Gent.) of the Cape of Good Hope, humbly sheweth

That during the years 1819 and 1820, Memorialist finding himself highly aggrieved by the illegal conduct of Jacob Glen

Cuyler Esqre. (Landdrost of the District of Uitenhage in this Colony) made use of what he deemed to be the birthright of every British Subject, and by letter to the Colonial Secretary laid his case before the Governor ; that Memorialist received a reply to this letter ; that upon receipt of this reply, Memorialist could not be otherwise than satisfied with His Excellency's determination, altho' the latter paragraph of the Deputy Colonial Secretary's letter evidently conveyed a threat, and an implied wish on the part of His Excellency that the statements made by Memorialist might prove unfounded ; but Memorialist firmly relying on the truth of the contents of his letter, and on the justice of His Majesty's Representative, awaited the inquiry with confidence, not doubting that if any statement were made by the Landdrost of Uitenhage in contradiction of the circumstances detailed in his (Memorialist's) letter, an opportunity would be given him of proving their truth. It was therefore with the utmost astonishment that Memorialist received a second letter from the Deputy Colonial Secretary. Had a proper inquiry taken place, and the statement of Memorialist proved incorrect, he would not for a moment have hesitated in complying with His Excellency's injunctions, but so far from an equitable investigation having been set on foot, Memorialist was not even informed of the reasons which had induced His Excellency to come to so hasty a determination, but Memorialist had private means of ascertaining that the Landdrost of Uitenhage had combined with the Messenger to draw up a statement in contradiction of his (Memorialist's) letter, and upon this statement of the parties concerned, without reference to contra evidence which might have been produced, did the acting Governor of the Colony condemn Memorialist as a Calumniator ! Memorialist was not even informed of the Landdrost's reply, and therefore feeling it impossible, under such circumstances, to submit to His Excellency's decision, addressed the letter No. 4 to the Deputy Colonial Secretary : and there the matter rested, without Memorialist receiving any answer to the said letter. A proclamation was however issued, directing the Landdrost and Heemraaden to hold more frequent sittings ; and Memorialist would have taken no further steps, had his truth not been questioned.

In the subsequent month of June, the Acting Governor Sir R. S. Donkin visited the Frontier, and Memorialist waited upon His Excellency, stating that he had done so for the purpose of convincing him (H.E.) that he had not been guilty of writing falsehoods to Government, and that he could not quietly submit to such a stigma being thrown on his character. His Excellency's reply was : " When I received your letter I put it into the hands of the Colonial Secretary, and directed strict inquiry to be made into the case, as if one third of its contents proved true, most serious notice must be taken of it ; the result was, that the Colonial Secretary informed me your allegations were disproved." Memorialist then said that as His Excellency was on the spot, he might easily convince himself of the truth or falsehood of the allegations ; and upon Sir R. Donkin inquiring what proof Memorialist had of the truth of his assertions ? Memorialist replied that the best evidences he could bring were the Heemraaden and Secretary of the Court ; upon which the Acting Governor sent for Mr. Charles Allen, at that time Secretary to the Board of Landdrost and Heemraaden, and Memorialist's letter (No. 1) having been read to him, he was asked whether its contents were true ? Mr. Allen answered in the affirmative, whereupon Sir R. Donkin asked Memorialist whether what he had complained of had been remedied ? Memorialist having replied that it had, and that his only object in waiting on His Excellency was to convince him that he (Memorialist) had not been guilty of making groundless or malicious complaints, the Acting Governor said that he fully acquitted Memorialist of having done so, and hoped everything would go on smoothly in future ; at the same time asking Memorialist if what he then said was satisfactory ? Memorialist was perfectly satisfied, he sought nothing further. Memorialist then presented a memorial to His Excellency for a grant of land, which the Acting Governor was pleased to say should be made, but that it must of course go through the proper forms. Your Lordship may picture to yourself the astonishment with which Memorialist after this interview received a communication from the Deputy Colonial Secretary, stating that the Acting Governor could not comply with Memorialist's request for a grant of land, and that the principal reason for His Excellency's refusal was the impro-

priety of Memorialist's conduct towards the Landdrost of Uitenhage.

As, at the time of giving the above answer, Sir R. S. Donkin was with the Landdrost of Uitenhage at Graham's Town, Memorialist naturally conceived that His Excellency was induced to make such reply by some insinuations on the part of the Landdrost, and therefore thought it impossible to allow His Excellency to continue longer in the dark as to the real character of the said Landdrost. In order to undeceive the Acting Governor Memorialist drew out a Memorial to His Excellency (No. 5), but as Memorialist was fully aware of the danger of presenting a petition of this kind, in an arbitrarily governed Country, (however true its contents might be) he determined first to endeavour to obtain another interview with His Excellency and endeavour to prevail upon the Acting Governor to confront him (Memorialist) with the Landdrost of Uitenhage, and thereby give His Excellency an opportunity of hearing both sides of the question.

Accordingly upon Sir R. S. Donkin's return to Uitenhage Memorialist waited upon him, and upon entering the room found it occupied by the Acting Governor and the Landdrost of Uitenhage. Memorialist proceeded to state to His Excellency that he had solicited this interview in consequence of a letter which he had received from the Deputy Colonial Secretary, stating that the Land which he (Memorialist) had applied for, could not be granted owing to the impropriety of his conduct towards the Landdrost of Uitenhage, and begged to deny that he had been guilty of any such impropriety of conduct as that imputed to him; further saying to His Excellency that he thought he had at a former interview fully convinced His Excellency of the truth of the allegations contained in his letter of the 14th of January, and that he could form no idea of what impropriety was now alluded to. To this Sir R. S. Donkin replied: "Yes, but what was then stated has been contradicted by Colonel Cuyler, who is a gentleman of high rank and respectability." Memorialist then begged that His Excellency would be pleased to hear what the Landdrost, or himself, had to say on the subject, as His Excellency might now confront them; but of this appeal no notice was taken either by the Acting Governor or the Landdrost of Uitenhage! Memorialist had now no

other alternative than to deliver in the Memorial No. 5, in order to shew the Acting Governor that such implicit reliance ought not to be placed on the word of the Landdrost of Uitenhage. To this memorial no reply was given.

In the course of the month of September, a prosecution (No. 6) was entered against Memorialist.

Memorialist must humbly beg to call your Lordship's attention to this extraordinary trial.

According to the laws of this Colony, no legal practitioner is allowed to act before the Court of Circuit, notwithstanding which, His Majesty's Deputy Fiscal, who is a Doctor of Laws, was sent down for the express purpose of conducting the prosecution against Memorialist, who, from the short notice he had of the proceeding, was unable even to obtain legal advice. There had never before been a precedent of a Law Officer of the Crown being sent to a Country District for the purpose of prosecuting an Individual, even in cases of High Treason such an extraordinary measure has not been had recourse to, nor could such a proceeding be justified in this instance by the circumstance of the Landdrost being personally concerned, and therefore disqualified to act as Public Prosecutor, as in that case the Deputy Landdrost might have been employed. Therefore Memorialist humbly submits that in the very commencement of the proceedings an unfair advantage was taken of him, by causing him to be prosecuted (contrary to the law of the Colony) by an able lawyer, whilst he was deprived of the assistance of Counsel. Exclusive of this, Memorialist submits to your Lordship that the trial ought not to have taken place in the District of Uitenhage, where the parties concerned were on so unequal a footing, and where the Witnesses were fearful of giving their testimony against their Magistrate.

By referring to the trial your Lordship will perceive that the Acting Governor did, in a most unjustifiable manner, interfere with the duties of the judges, by directing them not to allow Memorialist to bring the article "much more" forward. Memorialist humbly submits to your Lordship that this was a point which should have been left to the judges to determine. Memorialist humbly conceives that in a well governed Country, an upright judge would not tolerate the interference of the

executive power with the functions of his office, nor would the executive functionary so far forget the respect due to the judicial departments as to attempt such interference, which must, at the very least, tend to bring the purity and independence of the Court into suspicion.

Memorialist begs your Lordship will be pleased to compare the minutes of the trial with the contents of his letter (No. 1), and memorial to the Acting Governor (No. 5).

If your Lordship will be pleased to compare the contents of Memorialist's letter (No. 1) with the evidence given by the Messenger Van Lelyveld, from page 28 to 34, and with the evidence given by the other Witnesses from page 35 to 46, he (Memorialist) cannot doubt but your Lordship will be fully convinced of the truth of the contents of that letter. If your Lordship will be pleased further particularly to attend to the 18th, 19th, 20th, 21st, and 22nd replies given by the Messenger Van Lelyveld to Memorialist's questions, your Lordship will be able to perceive that Memorialist had the strongest reasons for not submitting to His Excellency's decision, and that the reply made by the Landdrost of Uitenhage to the Colonial Government was only corroborated by a statement, made by one of the guilty parties, under the immediate direction and tuition of the said Landdrost, who had altered, and realtered, the statement of the Messenger Van Lelyveld till it became such as he wished it. By referring to the evidence of Daniel Hockly your Lordship will also see what terror the Witnesses were in at giving evidence which might tend to make the conduct of the Landdrost appear culpable.

By referring to the evidence from page 47 to 57, your Lordship will find that the charge of horse-whipping the Inhabitants was, in two cases, (those of Backhuizen and Oosthuyzen) most fully proved, and that that horse-whipping was effected with an instrument called a "sambok," with which it is illegal to strike even a slave; and which for your Lordship's better information Memorialist begs leave to state is manufactured from the hide of the rhinoceros or hippopotamus. Your Lordship will also perceive that an attempt of the same kind was made on the person of Anthony Michael Muller, an Elder of the Church, and a man of the highest respectability, whose single oath, accompanied by the corroborative evidence that

such conduct on the part of the said Landdrost was not unusual, ought to be convincing. In a fourth instance an attempt was made to invalidate the testimony of Mrs. Gardner, by endeavouring to prove that her character was bad ; this has occasioned her to bring an action against the parties for defamation, which owing to the obstacles thrown in her way by the public functionaries of the District of Uitenhage, has not yet come to a termination ; but which there is every reason to believe will end in such a manner as completely to refute the allegations made against her. But even supposing them to be true, Memorialist humbly submits that they could not invalidate her testimony, supported as it was by corroborative evidence. Memorialist might have brought forward a fifth case, in the person of the Field Commandant Linde, of the Zwellendam District, but as Mr. Linde resided at a great distance from Uitenhage, and Memorialist deemed the instances adduced sufficient to prove what he had stated, he thought it unnecessary to summon Commandant Linde.

Your Lordship will see by the evidence of Ignatius Muller and Bernardus Rens (from page 59 to 62) as well as by the enclosure No. 7, that although the second accusation against the Landdrost was not proved, it did not originate in a story maliciously invented by Memorialist, but that it was the common talk of the District, and that he had reason to believe its truth. By referring to the evidence of Lucas Martinus van Rooyen and Coenrad Willem Behrends, and that of Gerrit Laurens van Niekerk, your Lordship may also perceive that there was something respecting a load of flour, tho' it is difficult to ascertain the true state of the case, owing to the falsehood and perjury of Van Rooyen.

By perusing the evidence from page 69 to 73 of No. 6, your Lordship will no doubt be convinced that the third accusation was most fully proved, and that the Landdrost of Uitenhage did receive hire for drawing stores in his waggon for a building erected at the public expense for his convenience ; that the said waggon was driven by a person belonging to the prison, who was at the same time paid by Government for performing other duties, and that the said Landdrost received the money in the name of Leonard Brinkman. (It may not be improper to inform your Lordship that "Justice Kaffer" is the name

applied to the black constables of the prison, who are paid and clothed by Government.) Memorialist must humbly beg your Lordship to pay particular attention to the evidence given by Edward O'Donnell and Piet Lustig, and your Lordship will perceive that the Landdrost was aware of his own guilt, and therefore attempted to extenuate it by paying the man belonging to the prison ; but such payment did not take place till after Memorialist had delivered his memorial to the Acting Governor, and then the payment was very inadequate to the labour performed, for your Lordship will see that Piet Lustig had for two years been employed at the Landdrost's private farm of Thorn Kraal, when he ought to have been doing his duty at the prison. It may not be unnecessary to inform your Lordship that Piet Lustig is a very strong, athletic man, who could earn at least 80 or 100 rixdollars per annum exclusive of board and lodging. Memorialist must also beg to inform your Lordship that the house in question was built in direct contravention of the 163rd Article of the Instructions for Landdrost and Heemraden, no written application having been made by the Landdrost and Heemraden to the Governor, such building not having been indispensably necessary, and no statement having been made of the probable sum required to complete it, altho' this large and unnecessary building cost the District nearly 10,000 rixdollars, of which upwards of 900 were paid to Leonard Brinkman to be distributed amongst the stone and brick drawers. This is the only public building in the Village which has not been tendered for, tho' many larger and more substantial ones have been built by contract for smaller sums. It was not alone by the carting of stones, and the gratuitous services of Piet Lustig, that the Landdrost of Uitenhage was benefited. The Hottentots, said to be employed at this building, received upwards of 3,200 rixdollars for wages, and provisions, whilst the Landdrost of Uitenhage sent them to work at his private farm of Thorn Kraal.

Your Lordship will perceive by the evidence from page 75 to 77 of No. 6, that the fourth statement made by Memorialist was (with some slight and evidently unintentional deviations) proved. In this part of the case, it may be also necessary to inform your Lordship, that the land in question had been frequently refused to persons applying to Government

for it, owing to the representations of the Landdrost of Uitenhage, that it was necessary to keep it for the public use ; and that it was, on those grounds, particularly refused to one Maritz, and to Doctor Van der Kemp for the Missionary Institution. It may also not be improper to inform your Lordship that Lieutenant Colonel Cuyler has been granted no less than 15,000 Morgens, or 30,000 acres, of land by the Colonial Government.

It now only remains for Memorialist to beg that your Lordship will be pleased to refer to the evidence from page 78 to 82 of No. 6, and he doubts not that your Lordship will be convinced that his fifth statement was perfectly true.

Memorialist cannot now refrain from requesting your Lordship to allow him to make a few short comments on the defence set up by the Deputy Fiscal in favor of the Landdrost of Uitenhage.

In the first place, Doctor Lind states, (page 99) that in his opinion the contents of Memorialist's letter (No. 1) were not proved. On this point Memorialist must only beg once more to refer your Lordship to the evidence.

Secondly the R. O. Prosecutor, in speaking of the first accusation contained in the Memorial, absolutely pretends to look upon the case, as if Memorialist were actioning the Landdrost of Uitenhage, and brings forward a defence, which both he (the Deputy Fiscal) and the Landdrost of Uitenhage ought to be ashamed of, first that martial law was in force, and secondly, that the charge was superannuated ! Memorialist submits, that this might be very good argument for an advocate to hold in defence of a prosecuted client, but was a most shameful one for a Law Officer of the Crown to make use of in favor of a Government Functionary. Does not Doctor Lind hereby acknowledge the guilt of the Landdrost, but seek to shelter him under the subtleties of the Law ? But Memorialist also submits to your Lordship that he had nothing to do with martial law, and the superannuation of charges. The question was, did the Landdrost of Uitenhage horsewhip his Inhabitants or not ? Had the Landdrost been prosecuted afterwards, it would have been time enough for Doctor Lind to have advanced the pleas of martial law, and superannuation, in bar of punishment ; but what must your Lordship think of the Magistrate

who says, "I am guilty, but you cannot punish me, the intricacies of the law will save me!"

Thirdly, the Deputy Fiscal, in defence of the second point of the Memorial, which was so fully and clearly proved, thinks proper to say, (page 100) that the Landdrost had merely given his own waggon, because he could not get others, and that the person belonging to the prison got money as a reward. Doctor Lind does not choose to recollect that the Landdrost did not call upon the Inhabitants to tender for Waggons, nor in any way, as is usual in such cases, make it publicly known that Waggons were required. The Deputy Fiscal could not be unacquainted with the right which the Landdrosts of the Country Districts possess of pressing Waggons for the public service, a right which the Landdrost of Uitenhage has never failed to make use of when it answered his purpose; but in this instance it suited the Landdrost better to make use of his own Waggon, as he himself superintended the erection of the building, and might therefore transfer a certain number of rixdollars from the District Treasury into his own pocket. If your Lordship would be pleased to call for and examine the Uitenhage accounts, your Lordship will find that a charge is made, in the year 1819, for the carting of 229 loads of stones and 197 loads of bricks, which at the rate of 500 per load amounts to 98,500, a number quite out of proportion to the building. The statement of the Deputy Fiscal, that the person belonging to the prison had received money as a reward, is the most barefaced. If your Lordship will only be pleased once more to refer to the evidence of Piet Lustig from page 85 to 86, your Lordship will perceive that the money was given at least a year after the service was performed. And where was the reward for the two years' service at Thorn Kraal, which so unexpectedly came to light, in spite of Memorialist's being prevented from proving the article "much more?" Would Piet Lustig have received any money at all, had Memorialist not delivered his statement to Sir R. S. Donkin?

Fourthly. The Comment of Doctor Lind on the fifth point is equally reasonable: "Passion, Martial Law, and a zeal for the service prevailed! As the threat was not executed, it could form no accusation!" Memorialist begs to submit to your Lordship, that he never spoke of anything else but a

threat, he never said that that threat had been executed.

Memorialist must humbly beg to trespass on your Lordship's time a little longer, in order to make some short remarks on the sentence passed by the Court.

They declare (page 144) "That because Memorialist did not quietly submit to the decision of the Acting Governor," (made without a fair inquiry) "he must be looked upon as opposing the orders of Government." But these Worshipful Judges have not thought proper to state whether the contents of that letter were true, or false. They could not in conscience find them false, therefore they deemed it expedient to remain silent on that head. Memorialist humbly submits to your Lordship that it would have been highly imprudent, as well as improper, for him to have submitted to His Excellency's decision, so long as he (Memorialist) was not given an opportunity to prove the truth of his statements.

Secondly. The Commission of Circuit were pleased to say (page 145) that Memorialist was not able to prove any of the accusations respecting the horsewhipping of the Inhabitants, excepting so far as regarded the person of Backhuizen. It is impossible that the Members of the Court could have paid due attention to the evidence when they pronounced this sentence, for allowing it to be necessary to have two Witnesses to prove a fact, your Lordship (by referring to the evidence of Ignatius Muller from page 49 to 51, and that of Oosthuizen from page 51 to 53) will perceive that the case of Oosthuizen was quite as fully proved as that of Backhuyzen, and that the circumstances attending it were more aggravating.

Thirdly they say (page 146) that Memorialist had only proved that a Justice Kaffer had driven a Waggon belonging to the Landdrost whilst it was employed in drawing stones ; but it appears that the Landdrost had given some money to the said Justice Kaffer, without its exactly appearing for what that money was a reward. Memorialist humbly submits to your Lordship that he had bound himself to prove nothing further ; but without any endeavour on the part of Memorialist more was actually proved, for it appeared that the said Justice Kaffer had been in the private employ of the Landdrost for two years, during which time he had been paid for performing

other duties ; and as to the reward Memorialist humbly begs to refer your Lordship to his remarks on the claim of the public prosecutor. Exclusive of this, it was of little consequence to the point in question, whether the Justice Kaffer received a reward or not ; had he, from necessity, been taken to drive the Landdrost's Waggon, an allowance to the public ought to have been made by Lieutenant Colonel Cuyler for the use of one of their servants in his employ ; but such allowance was not made. The rewarding of Piet Lustig was a point to be determined between him and the Landdrost.

Fourthly. The Judges say (page 146) that the fourth accusation is wholly groundless. There may be circumstances of extenuation, but Memorialist humbly submits that it is by no means groundless. As Memorialist is aware that His Majesty's Commissioners of Inquiry have been examining into circumstances connected with this grant, Memorialist will not trouble your Lordship with any remarks of his own on this point, but feels confident that your Lordship will at all events not find his statement on this head " wholly groundless."

Fifthly. The Court of Circuit declare that the last accusation was only partly proved. Memorialist doubts not but your Lordship will upon reference to the evidence from page 78 to 82, allow that it was fully proved ; but the Court of Circuit seem to wish to make Memorialist prove more than he wrote, altho' they would not allow him to prove much more.

Memorialist must respectfully solicit your Lordship to notice that in the winding up of the sentence, the Court of Circuit admit that what Memorialist wrote was partly proved ; and Memorialist may venture to say, that the said Court were, in their own minds, convinced that a very essential part of what he wrote was fully and substantially proved, or they would not have passed so apparently mild a sentence, but would have granted the full demand of the Public Prosecutor, as the only ground upon which they could shew lenity was a proof of the truth of Memorialist's statements. Memorialist must beg to refer your Lordship to all the Trials for Libel which have taken place in this Colony since it has been under the British dominion, and your Lordship will find that where the truth of their contents has not been proved, the Authors have been subjected to the most severe punishments.

Memorialist cannot but represent the difficulties he laboured under during this trial from the want of the assistance of Counsel. Without the slightest legal knowledge, he was obliged to defend himself against a Doctor of Laws who exclusive of his great learning had all the power and dignity of office on his side. Memorialist doubts not that if he had had an Advocate to conduct his case, or had even been able to procure legal advice, he could have managed his cause much better.

Memorialist must humbly beg to call your Lordship's attention to the respectability of his Witnesses, who were chiefly men filling the most respectable offices in the District, occupying seats at the Boards where the Landdrost presides, and who would have thought it their duty to have given their testimony in his favor, provided they could in conscience have done so.

Memorialist cannot refrain from animadverting on the conduct of the then Acting Governor, Sir R. S. Donkin, who by directing this action to be brought, was the real publisher of the libel ; as had he not thus made it public, he might have caused the circumstances to be inquired into, without such an exposure of facts being made to the public, thereby bringing such disgrace on the Colonial Government. His interference with the proceedings of the Court must evidently have tended to inform the members that it was his wish that Memorialist should be found guilty ; and Memorialist will leave it to your Lordship, whether such wish, tho' indirectly expressed, would not be tantamount to a Command to a Court of Justice constituted like that of this Colony, its Members appointed "durante bene placito," having salaries inadequate to the support of private gentlemen, and consequently looking up to the Governor for a second appointment. Had Sir R. S. Donkin not interfered, had Memorialist been assisted by Counsel, and had the trial taken place in Cape Town or in any other District, Memorialist does not doubt that the Court would have fully acquitted him, and would, during the trial, have heard evidence on the article "much more," in which case Memorialist would have been able most fully to substantiate,

1st. That the Landdrost had employed Hottentots who

were paid by the District for working at a public building, to work at his private farm of Thorn Kraal.

2. That the Landdrost had ordered the farmers to furnish a number of their hired Hottentots for the purpose of defending the Village against the Kaffers ; but that under pretence of his private farm of Thorn Kraal being in danger, he had sent the said Hottentots to work there, without payment, altho' their Masters were deprived of their services, and were thereby daily robbed of their Cattle by the Kaffers.

3. That the Landdrost had most illegally imprisoned an Inhabitant of his District because he refused to work for him.

4. That he had in a most unjustifiable manner allowed the house of Memorialist, and a number of other most respectable Inhabitants, to be searched for stolen goods, without going through the necessary process of Law, or having the slightest ground of suspicion ; and that upon a remonstrance being made upon the subject, he (the Landdrost) had turned the parties into ridicule.

5. That he had illegally raised the taxes of the District.

Memorialist having been fined three hundred rixdollars for such parts of the so-called libel as were not proved, was unable to appeal, as in that event the Acting Governor, who had already predecided his case, would have become his judge ; but Memorialist thinking it probable that His Excellency would, upon a perusal of the proceedings, be induced to alter his opinion, thought it more advisable to petition His Excellency for a remission of the sentence. To this petition Memorialist received for reply, that his prayer could not be complied with ; and shortly afterwards Memorialist was called upon for the payment of the said fine, together with the costs, amounting to no less a sum than 2,057 rixdollars, a sum which Memorialist may safely say was never paid by any Individual in the Colony, in an action of a similar nature. This Bill of costs was said to have been taxed and moderated by the Court. What attention to taxation and moderation was paid, your Lordship will be enabled to judge by perusing the enclosed translation (No. 9) of said Bill, where not to mention the enormous sums allowed to Doctor Lind, a mistake is made in the addition ; therefore Memorialist humbly conceives that he

has a right to suppose that the bill was not even looked at by the Judges.

Memorialist finding it useless to look to the Acting Governor for redress, and that His Excellency was determined to prevent complaints (however true) from being made against the inferior functionaries, and also that His Excellency took no notice of the charges which had been proved against the Landdrost of Uitenhage, was determined at all events to seek for such redress as the laws of the Colony would allow him, for certain calumnies contained in a letter written by the Landdrost of Uitenhage to Government, the contents of which letter were first communicated to Memorialist by being read in open Court, subsequent to the hearing of evidence on the trial, and which letter contained false and malicious aspersions against Memorialist's character. For this purpose Memorialist addressed a petition to His Excellency the Acting Governor. To this Memorialist received no reply.

Subsequent to this, Memorialist wrote three letters to the Landdrost of Uitenhage, requesting him, in his official capacity, to enter an action against Gerrit van Rooyen for perjury ; to neither of these letters did Memorialist receive a reply.

In the month of October 1821 Gerrit van Rooyen entered an action (No. 7) against Memorialist for defamation of character. By the minutes of the proceedings your Lordship will perceive that the only statement made by Memorialist against the Landdrost of Uitenhage, which was not proved, did not originate in a story fabricated by Memorialist with intent to calumniate the said Landdrost ; and upon referring to the evidence of Behrends, Lucas van Rooyen, and Gerrit van Niekerk, your Lordship will no doubt be convinced that something did take place respecting a load of flour, tho' it is impossible to ascertain what, as the Landdrost himself (page 6) had no recollection of the circumstance, tho' Gerrit van Niekerk (who was a most respectable man, and a Heemraad) says, (page 19 and 20) that he and the Landdrost had some conversation on the subject, and the Landdrost then seemed to have a recollection of the circumstance.

Against the sentence passed by the Court of Circuit, Gerrit van Rooyen appealed. No. 11 will inform your Lordship of the result of that appeal. Memorialist is sorry that he is not

furnished with a copy of the whole of the proceedings in that case, but begs to assure your Lordship that no other evidence was produced. The decision was made on the arguments of the advocates. Memorialist was again obliged to pay the sum of 400 rixdollars for law expenses. Thus Memorialist was obliged altogether to pay no less a sum than 2,757 rixdollars, for humbly representing the conduct of the Landdrost of Uitenhage to His Majesty's Representative, whilst the only calumniator in the case, and the said Landdrost, escape with impunity.

Memorialist had hereupon determined to address himself to your Lordship on the subject of his numerous grievances, but upon mature consideration resolved first to request His Excellency Lord Charles Somerset (who had returned to the Colony) to direct him to be furnished with a copy of the Landdrost of Uitenhage's defamatory letter, in order to enter an action against him (the Landdrost of Uitenhage) for its contents; and Lord Charles Somerset was pleased to comply with Memorialist's request. Memorialist was immediately furnished with a copy of the letter in question (No. 12). By this letter your Lordship will perceive that the Landdrost evades the principal complaints of Memorialist respecting his non-consultation of Heemraden &c.; he however acknowledges to have prevented the Messenger from summoning persons employed on the Commando. Either the conduct of the Landdrost, or of the superior Court in Cape Town, must have been illegal. Memorialist will on this point beg to refer your Lordship to the case of Rowles versus Heatly, wherein Memorialist believes that the latter was summoned and condemned whilst on Commando.

The Landdrost then proceeds to state, "that in July and October following he finds some cases of Mr. Huntley brought forward." What were those cases? One in July, and one in October; whereas at least thirty were given to the Messenger.

The original Summonses which the Landdrost afterwards speaks of, and which he seems so anxious to have returned to him, Memorialist did not receive a copy of, therefore can make no comments thereon; but Memorialist supposes they were returned, and that part of them must have consisted of that notable composition, fabricated between the Landdrost and

the Messenger, the "brouillon" of which was produced in Court.

The following paragraph of the letter your Lordship will upon reference to the evidence from page 28 to 46 of No. 6, perceive was entirely false, as were all parts of it proved to be which from accidental circumstances (Memorialist having no copy of the letter) were inquired into by the Court.

Your Lordship will no doubt perceive the malicious manner in which the Landdrost endeavours to insinuate that Memorialist entered the Court, as if he had done so rudely, and without permission; whereas it is most clearly proved that Memorialist did not enter till he had obtained permission so to do.

Your Lordship will also perceive by reference to the evidence in No. 6, that Memorialist's statement with respect to the number of hours which the Court sat, was true; whilst that of the Landdrost was false.

The Landdrost next proceeds to state that Memorialist had taken advantage of the law enabling debtors to keep their creditors out of their money for three terms. Memorialist would not trouble your Lordship by making any remarks on this point, (so foreign to the case in question) were it not that his own credit is so intimately connected therewith, this he trusts will plead his excuse for saying a few words on this and the following paragraphs. The Landdrost supports his assertions by extracts from the Court Rolls. Lieutenant Colonel Cuyler, when he made this statement, was aware that in one instance Memorialist had not received any summons, as he, Memorialist, complained to him, (the Landdrost of Uitenhage) of the hardship and impropriety of his name being called in Court, without his being made acquainted therewith, and he (the Landdrost) promised to inquire into the circumstance.

In the other instance Memorialist was prevented from attending by his horse knocking up before he could reach the Court House, having come a long journey for that purpose, as Memorialist had lodged a complaint against a man for beating his hired Hottentot, which case was also to have come on on the same day; and the Landdrost could not have forgotten how much Memorialist regretted his arriving about half an

hour too late. Memorialist believes that the Landdrost was also aware (at the time he made this statement) that P. F. le Clus was considerably indebted to Memorialist, instead of Memorialist being indebted to him, as Memorialist afterwards obtained a sentence against the said Le Clus before the Court of Justice in Cape Town. The other two persons' accounts were false, and your Lordship will perceive that they did not follow up their summonses, or the Landdrost would have been glad to add the sentence against Memorialist to his other very explanatory documents.

Exclusive of this the Landdrost's representations on this subject had nothing to do with the case in question; and were evidently only made with an intention of injuring Memorialist in the opinion of Government, and not to defend himself. As long as such laws existed, Memorialist had a right to take the benefit of them if he pleased.

The Landdrost afterwards (with a similar view) proceeds to tell a most direct falsehood by stating that he had lent Memorialist money. Memorialist never in his life received one farthing from the said Landdrost, but did pay him some and take over a debt due to the school fund by a man who had absconded and for which the Landdrost contrary to his duty held no legal security, whereby Memorialist received no favor from the said Landdrost, but rather conferred one. This is another point irrelevant to the case in question, where the Landdrost seeks to defend himself by falsely traducing the character of Memorialist.

The Landdrost then most maliciously and falsely attempts to attack the credit of Memorialist. The enclosed reply (No. 13) of an account between Memorialist and a house in Cape Town will shew your Lordship how his credit stood about the time that the Landdrost of Uitenhage made this false and malicious insinuation. This was the third statement which the Landdrost made by way of recrimination, thereby endeavouring to injure Memorialist in the opinion of Government, and the Acting Governor being "quite satisfied with and placing confidence" (see page 53 of No. 6) in these false assertions, "caused Memorialist to be severely reprimanded," whilst Memorialist was left unacquainted with the contents of the letter in question, and was therefore unable to contradict them!

Memorialist humbly submits to your Lordship that if he had been furnished (as in justice he should have been) with a copy of the letter written by the Landdrost of Uitenhage to the Colonial Government, previous to any further steps having been taken, he would have proved the falsehood of its contents ; and the Acting Governor might, by having done justice in the first instance, have prevented the necessity of the exposure which afterwards took place.

Upon being furnished with an authentic copy of the said letter, Memorialist consulted his Advocate as to the expediency of bringing an action against the Landdrost of Uitenhage, and was advised to do so, and to rest his claim chiefly on that part of the letter which attacked his (Memorialist's) credit.

According to the laws of this Colony, tho' an Individual may be prosecuted for exercising one of the undoubted rights of a British subject, it is not permitted to enter a civil action against a Landdrost without having first obtained a decree of " *Venia Agendi* " from the Court of Justice ; thus the Landdrost of a Country District at the Cape of Good Hope is allowed a privilege superior to any possessed even by the Blood Royal of England !! In order to obtain this necessary decree, Memorialist addressed a Memorial (No. 14) to the Court of Circuit, to which Memorial the reply No. 15 was given. Memorialist must here beg to remark that he was unable to bring his action at an earlier period, not being able to procure an authentic copy of the letter. That the Landdrost of Uitenhage was again allowed to state what he pleased to the Court, without Memorialist being made acquainted with the same, or heard in support of his petition, tho' the said Landdrost was allowed vision of his (Memorialist's) request. That at the time of trial in 1820, Memorialist wished to have proved the whole of the contents of the letter false, but was only allowed to disprove such parts of it as regarded his impertinent behaviour. That the proof or disproof of its contents at that time could be no bar against an action to be brought against the Landdrost of Uitenhage, as the fullest proof of the falsehood and libellous contents of his letter could not then have subjected him to any punishment, there being no action against him.

Memorialist entered an appeal against this decision of the

Court of Circuit ; but from a series of losses, unconnected with the present case, found himself unable to meet the expense of carrying such appeal forward. Memorialist has therefore no other mode of seeking redress than by representing his case to your Lordship.

Memorialist begs to conclude by most humbly representing to your Lordship : 1st. That, for writing a letter and Memorial humbly representing his grievances to the Acting Governor of this Colony (His Majesty's Representative) he has been subjected to an expensive, unjust and vexatious prosecution.

2. That after having proved the truth of the contents of his letter as well as three if not four of the statements in his memorial, he was subjected to the payment of a fine as well as exorbitant and unprecedented costs ; whilst the Landdrost of Uitenhage, who had been guilty of gross misdemeanours, was allowed to escape unpunished.

3. That Memorialist, as well as the other Inhabitants of this Colony, are deprived of the privilege of making their grievances known, granted to the meanest of His Majesty's Subjects by the Bill of Rights.

4. That Memorialist and his fellow Colonists, having neither the protection of a popular representation, independent judges, or trial by Jury, are exposed to the most tyrannical proceedings on the part of arbitrary Magistrates.

5. That the door of remonstrance to their only protector against the oppressions of the inferior functionaries, (the Governor of the Colony) is closed, by the fear of drawing down the severest punishment for making their grievances known.

6. That the distance between this Colony and the Mother Country is so great as to render any representation to your Lordship, or the House of Commons, almost nugatory, as the time that must elapse, and the difficulty of inquiry, must weary out the petitioner.

7. That the Landdrost of the Country Districts at the Cape of Good Hope are possessed of greater powers and privileges than any subject within the kingdom of Great Britain, however high in rank or office.

8. That Memorialist has reason to believe that he is still looked upon by the Colonial Government as a refractory

person, tho' he can safely swear that His Majesty's Dominions do not contain a more loyal subject, of which he could not have given a better proof than he has, by hitherto confining his complaints to the immediate executive functionaries, without causing them to become a subject of public discussion.

9. That Memorialist is not the only person who has been aggrieved and oppressed by the Landdrost of Uitenhage. Instances are manifold, and in the year 1819 the Field Commandant Muller was obliged, on the part of the Inhabitants, to forward the Memorial (No. 16) to the Colonial Government, of which however no public notice was taken !

10. That Memorialist may be informed that many of his accusations against the Landdrost of Uitenhage are founded on the grievances of others and not of himself, but Memorialist begs most humbly to submit to your Lordship whether living under a Magistrate who has been guilty of such actions is not of itself a sufficient grievance ?

Memorialist humbly begs that your Lordship will be pleased to take his case into consideration, and grant him redress for the past, and protection for the future.

(Signed) H. HUNTLEY.

UITENHAGE, CAPE OF GOOD HOPE, *November 1st 1825.*

[Enclosure 1 in the above.]

UITENHAGE, *January 14th 1820.*

SIR,—It is with extreme regret I find myself obliged to apply to you to lay before his Excellency the Governor the very unlawful and oppressive conduct of Lieutenant Colonel Cuyler, Landdrost of the District, towards me.

According to the laws of this Colony we cannot recover debts of smaller amount than 300 Rds. by any other method than summoning the debtors before the Landdrost and Heemraden of the District wherein they reside ; and they, in this District, only meet once in three months ; and each person who does not chuse to appear or pay his debts must be summoned three different times, thus keeping his creditor upwards of nine months before he can recover his money. This in itself falls heavy enough upon mercantile men, and it would be supposed

the Landdrost and Heemraaden would at least devote one day in three months to the hearing of any just complaint they had to make, but in this district it is not the case.

Previous to the meeting of Landdrost and Heemraaden here on the 5th of July 1819, I found myself obliged to compel several persons by law to pay their debts to the firm I am concerned with, and accordingly gave them over to the Messenger of the Court, but in a few days I received for answer from him that the Landdrost had directed him not to summon the persons I required; upon which I waited on Colonel Cuyler and represented to him the impossibility of preserving my credit as well as discharging a debt I owed the School Commission, and which he had required me to pay, if I was not allowed to summon the persons indebted to me; he replied that it was the order of Government and that I threw impediments in the way of the Commando. I stated my repugnance to throw the slightest obstacle in the way of the Commando, and put him in mind that I had thought it a duty from its beginning to render it every assistance in my power, and that it was the last thing I should wish to summon persons actually serving with the Commando, but he (Colonel Cuyler) positively refused to allow persons to be summoned who actually were at the Town Hall, and only had to step into the Room where the Court was held. That this proceeding on his part was unlawful, I was well aware, as I actually knew of persons on the Commando being summoned to Cape Town, but I was determined to bear everything patiently, and not address myself to Government as long as I could avoid it. I therefore allowed everything to remain quiet till His Excellency's Proclamation appeared in the *Gazette* stating the object of the Commando to have been accomplished. I then again gave over to the Messenger the persons who would not comply with my request of payment. I was the last person on the Roll, and all the other summonses went on in the usual manner, but when it came to my turn Colonel Cuyler immediately observed that the summonses had been given too late, and were not properly served, altho' I had given them to the Messenger fourteen days previous to the meeting of the Court. I stated to him the hardship I should suffer by being kept so long out of my money, as he himself was aware I had myself large sums

to pay, and the Merchants in Cape Town were particularly distressed for money, and if the Messenger of the Court had not done his duty I begged for redress. He replied I could complain to *him* of the Messenger, but not to the Court; but when I considered that upon my complaining to him out of Court, he had not authority to compel the Messenger to make good the sums I was kept out of by his neglect, I requested to speak to the Court, which was allowed me. Upon my entering I formally lodged a complaint against the Messenger for neglect of duty, and begged them to take notice thereof. Colonel Cuyler immediately, without consulting any of his Heemraaden or directing what I said to be explained to them in Dutch, replied that there was no time to hear me, the Court was dissolved, and I could wait for three months to bring my complaint forward, and this whilst all the Members of the Court were present, at about 12 o'clock on the only day they had assembled during three months. Surely three hours is a very short time for the administration of three months' justice!

I can conceive no other reason for Colonel Cuyler persecuting me in the manner he does, than several of the Inhabitants of this Village having requested me to draw out a Memorial for them to His Excellency concerning the narrowness of the Village grounds and the very oppressive fines of the pound here, which I did, and it was shewn to him (Colonel Cuyler) by the person who was to have presented it, but withdrawn upon his promising to make the necessary alterations with his Heemraaden, without an application being made to Government, which however he has not done, and I have therefore reason to believe he dislikes the author.

I humbly hope his Excellency will take the case into consideration, and prevent Colonel Cuyler from continuing his persecutions against me; he is well aware I have large sums to pay, and a continuation of them must ruin me.

Hoping you will excuse my trespassing thus long upon your time, I have &c.

(Signed) H. HUNTLEY.

To Lieutenant Colonel Bird, Colonial Secretary.

[Enclosure 2 in the above.]

COLONIAL OFFICE, 3rd February 1820.

SIR,—I am directed by His Excellency the Acting Governor to acknowledge the receipt of your letter of the 14th ult., and to inform you that measures have been taken for fully inquiring into the accuracy of the allegations therein contained, and in the event of such being established, I have it in command to assure you that the most speedy redress shall be afforded. His Excellency feels it his imperative duty to secure by strict attention to the conduct of the public functionaries the ready and impartial administration of justice to the Inhabitants of this Colony, but at the same time, a heavy responsibility will attach to Individuals who may prefer groundless or malicious complaints. I have &c.

(Signed) H. ELLIS, Deputy Secretary.

To Mr. H. Huntley, Uitenhage.

[Enclosure 3 in the above.]

COLONIAL OFFICE, 3rd March 1820.

SIR,—I am directed by His Excellency the Acting Governor to inform you, that an investigation having taken place on the several heads of complaint stated in your letter of the 14th January last, the result has in the opinion of His Excellency completely disproved your allegations.

Whilst His Excellency feels most anxious to secure an impartial administration of justice to every Individual under His Majesty's Government, he cannot but view with sentiments of the severest reprehension the preferring of groundless charges against the public functionaries, and such being the predicament in which you have placed yourself, I have it in command to inform you, that unless you think fit to make a proper submission to the Landdrost for your misconception and misrepresentation, resort will be had to the usual course of law for obtaining a reparation adequate to the injury purposed to be done to his character. I have &c.

(Signed) H. ELLIS, Deputy Secretary.

To Mr. Hugh Huntley, Uitenhage.

[Enclosure 4 in the above.]

UITENHAGE, *March 10th 1820.*

SIR,—I have the honor to acknowledge the receipt of your letter of the 3rd Inst., and in reply thereto, beg you will be pleased to inform His Excellency that I am fully prepared to substantiate the complaints contained in my letter of the 14th January last, before any Court of Justice His Excellency may be pleased to appoint. I cannot but express my regret that I should have fallen under His Excellency's displeasure, but trust whenever I am called upon to prove my assertions His Excellency will see they are neither ungrounded or malicious.

I have &c.

(Signed) H. HUNTLEY.

To H. Ellis, Esqre., Deputy Colonial Secretary.

[Enclosure 5 in the above.]

To His Excellency Sir R. S. Donkin, K.C.B., Major General,
Acting Governor and Commander in Chief, &c., &c., &c.

The Memorial of Hugh Huntley humbly sheweth,

That Memorialist has received a letter from the Deputy Colonial Secretary, stating that the prayer of a former memorial presented by him to your Excellency could not be complied with, and that the impropriety of memorialist's conduct towards the Landdrost of Uitenhage was the main cause of your Excellency's refusing the same.

Memorialist cannot refrain from addressing himself to your Excellency in reply to the latter part of the above answer. Memorialist has never to his knowledge been guilty of conducting himself improperly towards the Landdrost of Uitenhage, or any other Magistrate, and has always treated Lieutenant Colonel Cuyler with all the outward marks of respect due to him, and if he has not felt the respect he shewed, it has been owing to his (the Landdrost of Uitenhage's) conduct, for who can feel respect for that Magistrate who so far lets the violence of his temper overcome him, as to horsewhip the

Inhabitants placed under his charge ? Who can feel respect for that Magistrate who, having a building erected at the public expense for his convenience, makes use of the people of the prison to drive his waggons, and receives the hire thereof under the name of Leonard Brinkman, thereby plainly shewing that he was himself ashamed of the action he had committed ? Who can feel respect for that Magistrate who, when a farmer had sold a load of corn to another Inhabitant for fifty rixdollars, orders him to sell it to himself for forty ? Who can feel respect for that Magistrate who, when a farmer wishes to apply for a piece of land tells him it shall never be given to anybody, and afterwards applies for and obtains it for himself ? Who can feel respect for that Magistrate who has the inhumanity to tell two of the Inhabitants of his District that he will send them into Cafferland, and take care they shall come back as naked as his finger ?

Yet all this and much more, exclusive of the treatment of himself already stated by Memorialist to your Excellency, does he pledge himself to prove that Lieutenant Colonel Cuyler has been guilty of.

Memorialist cannot but conceive that the same person who has been guilty of these actions has falsely traduced him to your Excellency, and fully trusts to your Excellency's justice for a full investigation on both sides.

Memorialist begs once more to state to your Excellency that he has the utmost respect for all Government functionaries, and nothing but the injury Colonel Cuyler has endeavoured to do his character would have occasioned the above statement.

UITENHAGE, *July 7th 1820.*

[Enclosure No. 6.]

*Trial in the case of His Majesty's Fiscal DR. D. DENYSSSEN,
R. O. Prosecutor, versus HUGH HUNTLEY, on Monday the
25th of September 1820.*

[I do not think it necessary to copy the lengthy records of this case, and give only the judgment of the court.—G. M. T.]

The Court having seen and examined all the Papers and documents produced in this case, and having heard the verbal

claim of His Majesty's Deputy Fiscal, acting as R. O. Prosecutor in this case, as well as the verbal defence of the summoned in person, and having considered everything that could be considered in this case, declare that the summoned in person, by having addressed himself (by letter of the 14th of January 1820) to Government, with a complaint against Lieutenant Colonel Cuyler, Landdrost of the District of Uitenhage, and having thus in that case submitted himself to the decision of Government, but not obeying the prescription of Government addressed to him by letter of the 3rd of March last, must be looked upon as opposing the commands of Government.

That further it appears that the charges contained in a certain unsigned writing bearing date 7th July 1820, delivered by the summoned in person himself to His Excellency Sir R. S. Donkin at the Drostdy of Uitenhage, consist of five points of accusation.

The summoned in person, having in the first place, accused the Landdrost of having beaten the Inhabitants placed under his charge with a horsewhip or sambok, and on inquiry having stated the injured persons to have been Backhuizen and Oosthuizen, as also the son, and a certain female Hottentot of Mrs. Gardner, without, however, having been able to prove any of these accusations, excepting so far as regards the person of Backhuizen.

That further with respect to the second accusation contained in the last mentioned writing, namely that the Landdrost had made use of the public services of the people belonging to the prison for private purposes, and had received hire for himself therefor, whilst he had caused a public building to be erected for his own convenience : having only proved of this accusation that a Justice Caffer had driven a waggon belonging to the Landdrost whilst it was employed in drawing stones, but it appears that some money was given by the Landdrost to the said Justice Caffer, without its exactly appearing for what that money was a reward.

That further the third complaint which is brought forward in the same writing, namely, " That the Landdrost had prevented an Inhabitant from selling a load of corn for fifty Rix Dollars and had ordered that Inhabitant to sell him the same load for forty rix dollars." This complaint appears not to

have been proved, and has been denied by the person whom it concerns.

That with regard to the fourth complaint brought forward in that writing, "That the Landdrost Cuyler had prevented a farmer from asking for a piece of land, by surreptitiously stating that that land should never be granted to any person, whereas he afterwards asked and obtained that land for himself." This complaint is found wholly groundless.

Finally what regards the fifth or last point of accusation, namely, "That the Landdrost had been so inhuman as to threaten two of the Inhabitants of his district that he would send them to Cafferland and take care they came back as naked as his finger." This complaint is only partly proved, and furthermore was not followed by the deed, and therefore could not furnish the summoned with any ground of complaint to the Government.

That thus, besides that in a criminal action for injuries committed the truth of the statements do not entirely acquit the author from guilt, if there is an appearance of "animus injuriandi," or intention to defame, and the summoned by expressly stating to the Government in the writing of the 7th of July last "That nothing but the injury Colonel Cuyler has endeavoured to do his character would have occasioned the above statement," plainly shews that the summoned intended to make Colonel Cuyler suspected by the Government of malversation and maltreatment of his subordinate Inhabitants. Also the summoned in person has by no means been able to substantiate all the statements made by him to Government against the Landdrost Colonel Cuyler to the satisfaction of the judge, and thus for so far as the said accusations have not been verified must at all events be looked upon as guilty of making a famous libel; and therefore doing justice in the name, and on behalf of His Britannic Majesty condemn the summoned in person in a fine of Three Hundred Rixdollars for the benefit of the District's Chest, with further condemnation of the summoned in all costs, to be taxed and moderated by this Court, and rejection of the further claim and conclusion made in this case against the summoned.

Thus done and sentenced by Doctor J. H. Neethling and P. S. Buissinne Esqre., forming the Commission of Justice in

the Country Districts. Die et anno ut supra, and pronounced on the same day.

(Signed) J. H. NEETHLING,
P. S. BUISSINNE.

[Enclosure 7 in the above.]

Proceedings in the Trial Gerrit van Rooyen *versus* Hugh Huntley, on Thursday, October 30th 1821.

[These proceedings as well as Enclosures 8, 9, 10, and 11 are lengthy, and I think it unnecessary to give them.—G. M. T.]

[Enclosure 12 in the above.]

UITENHAGE, 16th February 1820.

SIR,—I have the honor to acknowledge the receipt of your letter of the 3rd Inst. transmitting by desire of His Excellency the Acting Governor the copy of a letter addressed by Mr. Huntley to the Colonial Secretary with allegations against me.

The Court of Landdrost and Heemraaden meet in this District agreeably to their Instructions, and attend to all legal business brought before them with as much attention and I hope I may venture to say justice, as any of the other subordinate Courts of this Colony I believe can do.

The people of my district assembled I think in the end of April last for the General Commando, at which time every male capable of bearing arms was appointed to some duty, either to proceed with the force intended for Kafferland, or on the constant patrolling duty in the settlement. The entire District was from this time considered as employed with the Expedition or Commando.

Previous to the ordinary time of meeting for the July term, the District Messenger told me he had some summonses for debts and begged to know if they could be served, when I answered him no impediment could be put to obstruct the Commando and such persons as were employed therewith could not be summoned, but such as were not he might summon, after which Mr. Huntley called upon me, as he states, when I replied to him as I had done to the Messenger.

At the Courts held in July and October following I find some

cases of Mr. Huntley brought forward and judgment obtained on them, as the enclosed attested extract No. 1 from the records of the Court will minutely explain. On Enquiry of the district's Messenger how it came no more of Mr. Huntley's demands were on the roll for those terms, he replied "the other debtors were all on the Commando."

At the quarterly meeting of the District Court in January last, Mr. Huntley's cases were called off according to the order they stood on the Secretary's list, a copy of which (No. 2) I herewith transmit together with all those original summonses of Mr. Huntley, as stated on the said Roll, which Summonses I hope may be returned, as they are documents that may be required at the Drostdy; which I did not see or even know, previous to their being so brought forward, and the summoned parties not appearing, and Mr. Huntley demanding a second summons, the Court enquired of the Messenger if there was no return (relaas) to the first summonses, when he (the Messenger) answered no, there had not been time for it, when I found fault with both the Secretary and Messenger in bringing such cases on the Roll before the Court upon which there was no regular return of summons, and gave positive directions to prevent the like occurrence in future. Mr. Huntley even then pressed judgment to be given on a Note of hand, being case No. 23 on the Roll, to which there had also been no satisfactory relaas to the summons, which certainly the Court could not in justice to the party not receiving the summons, do, when he, Mr. Huntley, complained of neglect of the Messenger, on which he was told, if the Messenger had neglected his duty he would be made to answer for it, but that his summons had been given in too late, when he asked me how he would be redressed. I replied if he could make it appear the Messenger had neglected his duty I would enquire into it and he should have justice done. After the business before the Court had gone through, the Court was in the usual way publicly adjourned, and after the Members had left their seats and were walking up and down in the room, Mr. Huntley entered, saying that he wished to speak to the Court to complain of the Messenger's conduct, when I replied the Court was adjourned and repeated my former reply (to Mr. Huntley) viz. that if the Messenger should be found to have neglected his duty, he will be made to answer

for it ; on which Mr. Huntley in rather an impertinent manner called Mr. Secretary Allen to witness that I refused to attend to his complaint and left the room. Mr. Huntley is not correct as to the hours he states the Court were sitting ; the fact is the Court sat upwards of five hours that day, and I do not conceive it concerns Mr. Huntley if the Court had only sat half an hour, if they discharged their duty.

Mr. Huntley also complains that debtors may keep their creditors out of their money for three terms, the enclosure No. 3, Extract from the Court's records, will show that Mr. Huntley has taken advantage of this latitude.

I must remark that Mr. Huntley labours under a very great misconception when he accuses me of persecuting him in consequence of his having drawn up a Memorial for the villagers.

Mr. Gert van Rooyen one of the Heemraaden called upon me and put a paper into my hands : saying he wished my opinion of it, when I observed it to be a Memorial from some of the Inhabitants of this Village, stating the commonage to be limited and that the schut fines were higher than in any other District, &c., &c. If my memory serves me I told Mr. Van Rooyen that I could not see any good the Memorial would do, as the commonage could not be extended, being surrounded by old grants, and that the fines were the same as at Graaff Reinet, from which Drostdy we had copied our first code of laws, and that it was the province of the Board of Landdrost and Heemraaden to alter and amend them with the sanction of the Governor, and that if the Inhabitants would attend to the number of cattle allowed to be kept, there was more than ample scope for them, as it was not intended the Villagers should be Cattle Graziers, but that I wished, if he thought fit, the Memorial might be given in and not suppressed from anything I said. I was ignorant whether it was ever delivered in, as I was of the person who drew it up until I received your letter transmitting the copy of Mr. Huntley's letter, with his statement of the case, and hope here to be permitted to add that the schut fines as at present are no check to keep the Inhabitants of the Village in order with respect to the careless manner they suffer the Cattle to go about and continually trespassing on one another's Gardens. I take the liberty of subjoining a copy from the Undersheriff's Books No. 4 enclosure;

which will shew the number of Cattle pounded within a very short period of time.

I declare upon my honor that I never had the smallest animosity towards Mr. Huntley, and defy his proving one instance of it, but to the contrary, I may say I befriended him by aiding him in his mercantile pursuits by a Loan of money at my disposal, which being afterwards required, I sent to Mr. Huntley in September 1818, to beg if he could discharge the obligation by the first of the next year, when he promised to do it even sooner, and to this moment has he not discharged the same.

I have desired the District's Messenger to furnish me with a return of all the business he has had in hand from Mr. Huntley, and have the honor herewith to transmit the same, No. 5 enclosure, for His Excellency the Governor's inspection, which will I hope evince that I am innocent of the charge of oppression or of possibly using any the smallest private animosity towards Mr. Huntley, and were it not that the young man, (who was once an officer under my command) complains of low circumstances and his credit at low ebb, I should solicit that he might be compelled to bring forward his charges against the Chief Magistrate of the District under which he resides, but not wishing to add to his distress by putting him to expence and perhaps thereby exposing the little credit he may still have at the same time, I hope he may meet with that rebuke from my superiors which such a frivolous and vexatious and I might add false attack upon my reputation seems to require, and which would perhaps check his further arrogance.

I have &c.

(Signed) J. G. CUYLER.

[Original.]

Letter from MAJOR GENERAL BOURKE to R. W. HAY, ESQRE.

SOUTHAMPTON, *November 3rd 1825.*

MY DEAR SIR,—I have this day had the honor to receive your letter of the 1st inst. It is quite true that I had not

before its receipt fully comprehended the precise situation in which I am to go out to the Cape of Good Hope. Not being aware that Lord Bathurst had made any alteration in his intentions as formerly addressed to me, I found it difficult to reconcile those with the latter arrangements. The matter is now quite clear, and tho' I foresee some little difficulty in respect to the place of the Lieut. Governor in Council, it is enough for me to have brought it under your consideration.

I must however beg leave to trouble you on the subject of the last paragraph in your letter. You state you "can give me no information in regard to the furnished house at the Cape." I trust I am not to collect from this that the Governor has not been instructed to issue the amount, as it would be peculiarly unfortunate if at this late period there was any misunderstanding on this point. Lord Bathurst was so good as to say distinctly that I should be allowed a furnished house in Cape Town whilst arrangements were making for my establishment in the Eastern District, but if called to take charge of the Government of the Colony I was to give up the residence thus allowed me, and remove into Government House. It will certainly be my duty and wish to keep down the rent of my House as low as possible; but unless the Governor is directed to issue the amount, I may be put to serious inconvenience.

I shall hope to hear from you that an instruction has been or will be forwarded authorizing this expenditure. I will not take up your time by shewing that it would be quite impossible out of my salary to furnish a house suitable to my rank either in Cape Town or the Eastern District, Lord Bathurst having been so good as to assent to the representation I made on the subject. I have &c.

(Signed) RICHD. BOURKE.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 4th November 1825.

MY LORD,—With reference to my dispatch of the 16th ultimo, I have the honor to acquaint your Excellency that I

have authorized the Colonial Agent of your Government to issue in advance to Major General Bourke, one quarter of his Salary as Lieutenant Governor of The Cape of Good Hope.

I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the Commissioners of Enquiry to the Secretary to Government.

CAPE TOWN, 4 November 1825.

MY DEAR SIR,—Since we had the pleasure of receiving your note of the 1st Instant, we have taken an opportunity of requesting Dr. Barry to reconsider with particular attention the subject of the conversation between you, and upon which your observations were so strongly expressed. He has done so, and has produced very strong grounds for inducing us to believe that the conversation took place subsequently to the Interview at Government House to which you allude in your last Note, and that it began on his part with the expression of his wish that he might be furnished with copies of the Proceedings that had taken place before the Commissioners of the Court of Justice, at the instance of the Fiscal, and was followed by a declaration of his intention to submit the circumstances in which he was placed to us, not as a matter of complaint but as a question that affected every other Civil Officer in the service of the Government. In support of this construction he has appealed to the evidence of a Person whom at present we are not at liberty to name, but who advised him to adopt that course of proceeding previous to his Interview with you.

We greatly regret to find that upon a subject on which you state that your own recollection is not very accurate, that of Dr. Barry should have enabled him to fix with as much precision as the case admits the subject to which your remarks were applied, for without entering into any discussion of the opinions which you have expressed on the very delicate subject of the

propriety of the civil servants submitting unsolicited information to us except through the Governor, we really cannot impute to you any intention of reproving or even of interrupting Dr. Barry in referring to us upon such a point as that which he now distinctly recollects to have been mentioned to you as the subject of his intended reference. Dr. Barry has expressed his full confidence of being able to bring the subject to your recollection, and it would be much more agreeable to us to find that the expression was the effect of inadvertence or of a momentary feeling of irritation on your part, to which the manner or the language of Dr. Barry in announcing his intention might very probably have given rise.

We cannot have the smallest objection to the use you wish to make of our communications to you on the subject, and if we had not felt that the opinions that you have expressed, coupled with the sudden abolition of the Office held by Dr. Barry, may be subject to great misconstruction in England, where they may be perverted to your prejudice, as well as to ours, we should not have thought it of importance to have troubled Lord Bathurst with any reference.

With regard to any effects in this Colony, we can only regret that the occurrence was of a nature to have found its way into the community and to have made an impression that we cannot believe was intended, either in the observation that escaped you, or the manner in which the abolition of the Office of Medical Inspector has been announced to the Public.

We beg &c.

(Signed)

JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 5th November 1825.

MY LORD,—I have the honor to transmit to your Lordship copy of a Government Minute, which I have issued, with the view of re-establishing the Supreme Medical Committee, which

was originally instituted by Proclamation under date 24th April 1807, and I deem it necessary at the same time to enclose Copies of the above Proclamation and of another of the 18th August 1807, pointing out the duties which were to devolve upon that Committee.

In the year 1821, whilst I was absent in England, the Supreme Medical Committee was abolished by a Government Advertisement, of which I annex a Copy, and the Office of Colonial Medical Inspector instituted in lieu thereof, to which Situation Dr. Robb was appointed. On the 18th March 1822, I nominated Dr. Barry to this office *vice* Dr. Robb resigned, and he has held it ever since.

On reflecting however on the various important duties which were entrusted to the Committee by the Proclamations above-mentioned, as altered by a subsequent Proclamation of 26th September 1823, also enclosed, it appeared to me they were of a nature and quality which rendered it expedient that they should not be placed exclusively in the hands of One Individual; and I must confess that circumstances which occurred in more than one Instance, connected with the execution of the official Duties of that office, together with the representations thereon which were made to me by Sir Richard Plasket, convinced me of the necessity of re-establishing the Medical Committee.

Notwithstanding this was merely an executive arrangement, I communicated my Intention on the subject to Council.

In carrying the arrangement into effect, I desired Sir Richard Plasket to offer to Dr. Barry a Seat in this Committee, which he refused, unless he was appointed President, a measure quite impossible to effect, Dr. Barry being on the Military Medical Staff here in the subordinate rank of Assistant Staff Surgeon, and his being President would consequently have excluded nearly all the Faculty of Science and Reputation of the Place, and would of course have given just offence to the Public.

In the conversation which passed on this subject, Dr. Barry accused Sir R. Plasket of being personally hostile to him, and of having in consequence thereof used all his endeavours to get him displaced from the Service, which induced Sir Richard to request of me not to carry the arrangement into effect at that moment, but to submit the whole case with the corre-

spondence that had passed between Government and Dr. Barry (and on which Sir Richard had originally remonstrated against to me) to the deliberation of Council.

I now transmit to Your Lordship the Resolutions of Council upon this subject, and upon which I issued the Minute abovementioned.

I deem it necessary to add that this was one of three Situations which Dr. Barry held under this Government, independent of his being Physician to my Household, and that he has been so ill advised as to resign the whole of these Situations, in consequence of what he calls "harsh treatment" in the arrangement abovementioned. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from ASSISTANT SECRETARY BRINK to the RECEIVER GENERAL.

COLONIAL OFFICE, 5th November 1825.

SIR,—I am directed by his Excellency the Governor to request that you will transmit to me a statement of the different issues you have made from the treasury, (during the time that you have held the office of receiver-general), without receiving regular warrants for the same at the time the respective issues were made, previous to the 30th of November 1821.

You will be so good as to specify the amount of each issue, the nature of the service to which it was appropriated, the date at which it was made, and to transmit a copy of the authority by which each issue was made, and if by verbal authority, you will be pleased to state from whom you received such verbal direction. I have &c.

(Signed) P. G. BRINK, Ast. Secy. to Govt.

[Original.]

Letter from THOMAS PRINGLE, ESQRE., to the COMMISSIONERS OF ENQUIRY.

BAVIAANS' RIVER, November 5, 1825.

GENTLEMEN,—In your letter of the 21st ultimo you have particularly referred to certain circumstances which you think it most probable the Governor will appeal to in the course of any answer that he may transmit to the charges which I have preferred against him, and in vindication of his declared objection to any measure or association in which I was likely to take a leading part. Your special reference to these circumstances induces me to offer a few observations upon them.

The nature of certain remarks contained in the 2nd number of the *South African Journal* is conceived to be one principal circumstance on which Lord Charles is likely to rely in vindication of his conduct towards me. Now tho' it is evidently impossible, until the particular passages objected to are brought forward by his Lordship, and the grounds of his objection to them distinctly stated, for me to meet him fairly and fully on this point, yet as I think I can partly guess, from the objections urged by the Governor in my interview with him on the subject of the *Journal*, what may be the probable drift of His Lordship's arguments, I shall take this occasion in some degree to anticipate them.

Lord Charles, at that interview, accused me, among other things, of having calumniated his Government in our *Journal*, and in proof of the justice of this accusation specified particularly our notice of the inefficient defence of the Frontier, and the abuse of power by local functionaries, as among the causes of the failure of the Albany Settlers.

I denied then, as I do now, the charge of having "calumniated" his Lordship's Government. We had in fact stated nothing whatever in the *Journal* which we did not *bona fide* believe to be true. If we had however alleged anything that could be shown to be false or inaccurate, it was easy to contradict it. But, so far from seeking occasions to accuse, we had really endeavoured, as much as we conscientiously could, to exculpate and speak favourably of the Colonial Government.

I took up the *Journal*, and in evidence of this spirit pointed out to His Excellency the following expressions, which bear expressly on the papers he objected to : " In speaking of the Cape we intended no reflection on our existing authorities. They have, no doubt, considered it their duty to administer the Government as authorised by England, and as it devolved upon them from their predecessors. We ascribe neither praise nor blame to any individual, but we cannot pass over a cause so influential without stating it frankly, though not invidiously."

I also referred cursorily to other passages in the same number, particularly to the conclusion of the article on the " Civil Servant's " book, and to an article on the Navigation of the Kowie, in proof of our sincere desire to do full justice to his Lordship's Government whenever we found a fair occasion. But in respect to the *causes* stated as having contributed to the failure of the Settlers, I urged that we could not omit any of them without giving, as we conceived, an unfair and consequently a mischievous view of a very important subject ; that moreover, we had not ascribed either the despotic system of Government or the defective system of frontier defence to his Lordship individually, for both had likewise existed in the time of his predecessors, to which our observations equally applied ; but that if we treated the subject at all, it was necessary to notice (and we had done so in the most calm and cursory manner) *these* among the other circumstances affecting the condition of the British Emigrants. Such was the purport of my argument, though perhaps not quite so distinctly expressed as it is now written.

His Excellency replied to it by saying " that if we could not discuss the condition of the settlers without introducing such topics, we ought to have avoided the subject altogether." He also affirmed that all the accounts we had published of recent depredations by the Caffres were *utterly false*. That his son had told him so, adding with indignation, " And have you, sir, the presumption to account yourself better acquainted with these matters, or a better judge of military affairs than myself, or the Commandant and the officers on the frontier ? " or words to that effect.

In fact His Lordship was too angry either to listen to reason, or to speak to me without continued bursts of reproach and

sarcasm, which discomposed and irritated me, on the other hand, too much to allow me to debate the subject with him as it deserved to have been debated. His *object* on that occasion, too, I plainly perceived was not argument, but intimidation, and to avoid abuse I declined further discussion.

Now, Gentlemen, I submit to you as candid and impartial men, whether, with the opinions which we conscientiously entertained respecting the causes of the failure of the settlers, we could honestly have treated the subject otherwise than we did, if *we discussed it at all*? On the other hand, to have adopted the course the Governor says we should have taken, and remained entirely silent on the subject, would have been, in our apprehension, a miserable and cowardly dereliction of our duty towards our unfortunate countrymen, while at the same time it would have tacitly implied a reflection upon the *character* of the Colonial Government far more severe than any that can be found or fancied in our writings.

We sincerely wished, however, as prudent men, to avoid if possible any collision with the Colonial Government. We carefully avoided any sort of personal reflection on any individual, or on any class or body of men in the Colony. We contented ourselves with briefly stating what we considered absolutely indispensable in regard to the settlers, and abstained from much that was deplorably true. We acted as we imagined honest and cautious editors might safely act under an honest though jealous Government. The result has convinced us that our opinion of the Colonial administration was far too favourable when we gave it credit for even a moderate degree of wisdom or honesty. We could never have been treated as we have been on account of our *Journal* by any other than a tyrannical, cowardly, and corrupt administration, resolved to discard all faithful counsel, to quash all independent opinion, and to screen every abuse of its minions from investigation, an administration, in short, "which loved not the light, because its deeds were evil."

It appears to me, therefore, that Lord Charles Somerset has taken up but a feeble line of defence (tho' I presume it is the best he has) in attempting to vindicate his subsequent persecution and *proscription* of the Editors of the *South African Journal*, and his declared determination to thwart and oppose

and put down every measure or an association, however innocent or praiseworthy, in which they might be concerned, on the ground of the "obnoxious" passages in our 2nd Number. I boldly maintain that there was nothing whatever in that number, or in any part of the *Journal*, that ought to have drawn upon the Editors the resentment, far less the vindictive persecution, of a good and *honest* Government. His Lordship's implacable resentment on that account only shows that, while conscious of acting wrong, he was incapable of reformation, that he was determined to add injury to insult, and to excommunicate and crush men whom he felt he could neither *purchase* nor *convict*. Such is my true opinion on this point, Gentlemen; we shall see hereafter what his Lordship has to say upon it.

But if this ground of vindication be of a description little likely to benefit his Lordship's cause or character, how much more wretched is the other point to which he appeals in his exculpation. His Excellency *supposed me to have taken a part in the composition of a paragraph contained in the "Commercial Advertiser," which was personally and pointedly offensive to himself and his family.*

I shall not now, Gentlemen, enter into any discussion of the character of Mr. Greig's newspaper, or of any particular paragraph in it that may have proved offensive to the Governor or his family. His Majesty's Home Government has sufficiently expressed its sense of the Governor's indefensible conduct in regard to that publication, by sending out the proprietor to recommence it upon a firmer footing than he possessed before. Neither does it seem necessary for me to declare what articles or paragraphs I may have contributed to the *Commercial Advertiser*, and what I have not. From you, Gentlemen, I have never concealed, nor do I now wish to conceal, my frequent contributions to that Newspaper. But it is clear that Lord Charles' hostility towards me on that account must rest entirely on *suspicion*; or if he possesses any positive evidence of my having contributed *at all* to the *Advertiser*, (which though a crime in his Lordship's catalogue is a merit in mine), his information I conceive can only have been obtained by means the most illegal or unworthy, by searching Greig's private papers, or tampering with Greig's starving compositors, when

he had banished their master, the sacrifice of whom it seems was yet insufficient for his vengeance. I am proud to declare that I have never written nor edited a paragraph nor a line in this Colony which I am either ashamed or afraid to own. Whenever a charge is made of my having done otherwise, I shall know how to meet it. I am conscious that the Governor cannot possibly produce any grounds for such a charge, and that his bare *supposition* or *suspicion*, therefore, and that too of a *suppositious* crime, is the sole ground upon which he has ventured to avow his hostility on this head, and his determination to thwart and oppose whatever I might be concerned in. What a striking picture does His Lordship thus afford of his system of administration!

If he does not hesitate to avow hostility upon such vague "suppositions," may I not fairly infer, *a fortiori*, his bitter (tho' *unavowed*) resentment on account of my having furnished information to you of flagrant abuses existing in his administration of the Colony?

But, supposing it for a moment credible that His Majesty's Government will admit the circumstances above referred to to have any weight in vindication or palliation of the Governor's conduct towards me, as an Editor of the *South African Journal*, or as a "supposed" contributor to Mr. Greig's Newspaper, what must all impartial and upright men think of the suppression of the Literary and Scientific Society solely because Mr. Fairbairn and I were concerned in it? or of the insulting letters from the Colonial Office addressed to Mr. Blair and myself, in reply to our respectful applications on behalf of that Society, when contrasted with *His Lordship's letter*, written only a week or two afterwards, to the *Fieldcornet Van der Nest*, and the respective *Burghers of the Baviaans' River*, in reply to their laudatory addresses in favour of his son! Finally, what will be thought of His Lordship's declaration to Mr. Hart (as detailed in my letter to you of August 7th) and his hostility to my brother John avowedly on my account? I do not fear, Gentlemen, to encounter even the brother of the Duke of Beaufort, in Lord Bathurst's office, or in the British House of Commons, on such grounds.

In regard to the declaration of the individuals whom you have examined of the Committee for building the Scotch

Church in Cape Town, of their ignorance of my name having ever been proposed as a member, a few words may suffice. At the time when I wrote my letter to Earl Bathurst the information I had received on that point had impressed me with the belief that my name had been *publicly* proposed and rejected on the grounds I stated. I have subsequently learned that the matter did not go quite so far. My name, it would appear, had only been brought forward in some preliminary or private conversations, by some of the friends of the undertaking, when they were canvassing among themselves about the election of the Committee, Mr. Pillans, the merchant, and some others I understand wished to propose me as a member, but it was earnestly objected to by Mr. Grant particularly, upon the grounds I have assigned, and my name was, in consequence, *not* publicly proposed. I have therefore, from misapprehension, somewhat overrated perhaps, the importance of the matter in my letter to Earl Bathurst. You will be able to ascertain, I imagine, the precise facts by examining Mr. Pillans.

I have &c.

(Signed) THOS. PRINGLE.

[Original.]

Letter from LORD CHARLES SOMERSET *to the* COMMISSIONERS
OF ENQUIRY.

GOVERNMENT HOUSE, CAPE TOWN, *November 7th 1825.*

GENTLEMEN,—I have been honored with your Letter of the 22nd ultimo, informing me that you had received a Letter from Mr. Thomas Pringle, in which he alludes to the favors for which he alledges I claimed credit in an interview I had with him in the presence of Sir John Truter, last year, and in which Letter he disclaims all idea of favor towards himself or the members of his Family. And I beg to return you my best thanks for the opportunity afforded me of making some observations thereon previous to your submitting your Report upon his case to Earl Bathurst.

I had the honor to transmit to Earl Bathurst my Replies to

a very extraordinary statement of Mr. Thos. Pringle's to his Lordship, by which it will probably appear that scarcely any part of his Statement was strictly conformable to truth, and that many parts of it were entire and gross fabrications.

In the present instance Mr. Pringle assumes that which is not true when he asserts that *I* took credit for favors which *I* bestowed on Mr. T. Pringle and his family. In the interview I had with him I took the opportunity of stating to him the favors he and his family had received from the Colonial Government. It would ill become me to boast of Favors *I* individually bestow, because all the encouragement given by me to Individuals in my public Capacity is given on the part of the Colonial Government, for which indeed I am responsible, but for which I am not desirous to claim any personal thanks, the same being done on public grounds.

In stating Mr. John Pringle's emoluments when employed on the Somerset Farm, Mr. T. Pringle has avoided to mention that he was accommodated with a House for himself and family, and enjoyed other advantages from the farm. Mr. T. Pringle's imputation respecting the Negro Apprentice being taken from Mr. J. Pringle "*because he was his brother*" is too contemptible almost to comment upon. It will be evident however that Mr. John Pringle, as a Servant of the Farm, was indulged with the services of one of the Government Apprentices ; when the Establishment was broken up, of course the Government Apprentices were removed to other Services where they would be properly treated, and the Apprentice, with whose Services Mr. John Pringle had been indulged, was placed with Donald Moodie, Esqre., the Government Resident at Port Frances.

I shall detain you, Gentlemen, with only one more remark, which is on the assertion made by Mr. T. Pringle that his Successor as Sub-Librarian received a larger Salary than himself ; to prove how unfounded this is, I have the honor to enclose a certificate from the Auditor, shewing that Mr. Jardine (Mr. Pringle's Successor) has only received 1000 Rds. per annum. I also enclose the copy of a Receipt from Mr. Pringle, dated 22nd January 1823, by which it will appear that the Committee of the Library took upon themselves to allow Mr. T. Pringle 250 Rds. for his expences to Cape Town from his

Location, being the only instance of any allowance beyond the Salary of 1000 Rds. per annum having been made to any one of the Gentlemen, viz. Mr. Harmsen, Mr. Hanson, or Mr. Jardine, who have held the appointment of Sub-Librarian since the Establishment of the Library. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to the COMMISSIONERS OF THE NAVY.

DOWNING STREET, 7th November 1825.

GENTLEMEN,—I am directed by Earl Bathurst to transmit to you copy of a Memorial which has been received from Mrs. Catherine Stretch praying that a Passage may be provided for her on board any Government Vessel which may be going to the Cape of Good Hope; and I am to request that should such an opportunity offer for her conveyance to that Colony, a Passage may be afforded to her accordingly. I am &c.

(Signed) R. W. HAY.

(Original.)

Letter from JOHN BARROW, ESQRE., to R. W. HAY, ESQRE.

ADMIRALTY, 7th November 1825.

MY DEAR HAY,—Plasket's letter on the Constantia wine has astonished me not a little, but it has opened my eyes to two circumstances regarding the said wine which I could not understand: the smallness of the quantity we have of late received (once in two or three years) and its deteriorated quality. Left to the management of the first Messenger! pho! the job stinks in the nose. Now I'll tell you how it was

managed in the good old times of my good and worthy master Lord Macartney. As soon as the vintage was fairly in the Cellar, a committee of three of the Civil and Military servants (of which I used frequently to be one) were directed by the Government to proceed to Constantia, to taste the Wine and to select the number of half aums in the name of His Majesty which were to be sent home. The casks so selected were then *sealed*, and by the first conveyance were sent home. Not a drop, to my knowledge, was given even to the Governor at the Cape. It all came home to be divided between His Majesty and his faithful servants.

I don't exactly remember what the quantity annually delivered amounted to, but I trust *that quantity*, be it what it may, will continue to be received, and for this reason: the price in the Market is at least four times that at which the Proprietor is obliged to deliver it to his Majesty, and he holds his farm on the condition of delivering the quantity mentioned at the fixed price of 25 Rixdollars. He tried hard to get rid of this clause, but Lord Macartney was inexorable, and said he did not see why the King of England and his Servants should not drink Constantia as good and as cheaply as the Burgher meesters of Holland had done for the last hundred years.

With regard to the disposal of it, I should say: ascertain from Lavell how many dozens (for I forget) are contained in a half aum; look at the list of those who receive their 10 and their 20 dozens; calculate how many half aums (allowing for *leakage*, which the *first Messenger* is so well acquainted with) will suffice for the annual present of His Majesty; and if any remain let them be sold at the Cape, or let the Proprietor take them at something less than the market price, and carry the proceeds to the revenue, which, as you will soon find, has need enough of it.

Apropos of wine. In all parts of the world, except the Cape, the Merchants engaged in the trade think they can rely on their own *taste*; but in this unhappy Colony they are not allowed to export a pipe of wine which has not undergone that of a young Somerset or his Deputy. Proh pudor! abolish the wine tasters for heaven's sake, and do it without consulting the Commissioners, if you wish to avoid 1825 folio pages on the

history thereof. *Who* first suggested the brilliant idea I know not, but we did very well without them in my time.

Yours &c.

(Signed) J. BARROW.

[Original.]

Letter from the REVEREND C. I. LATROBE *to* EARL BATHURST.

7th November 1825.

MY LORD,—Permit me to request the favour of a letter of recommendation to His Excellency the Governor of the Cape of Good Hope for two Missionaries of the Church of the Unitas Fratrum, John Lemmertz and his wife Agnes, who has been nearly ten years employed in the Mission among the Hottentots, and is returning thither, and Christian Gabriel Sonderman and his wife Augusta Sophia.

They purpose sailing in a few days, and trust to your Lordship's favour and condescension to grant their request, and that of My Lord, Your Lordship's &c.

(Signed) CHRIST. IGNATS. LATROBE,
Secretary of the Church of Unitas Fratrum.

[Original.]

Letter from JOHN BARROW, ESQRE., *to* R. W. HAY, ESQRE.

ADMIRALTY, November 8th 1825.

MY DEAR HAY,—I enclose you an Extract from a letter I have just received from the Cape of Good Hope containing a statement of financial difficulties of that Colony which may not have reached your office.

It is difficult to imagine in what way they can have occurred. The public Revenue was not half the amount in our time, and yet we had an accumulating balance after payment of all Expenses. I am &c.

(Signed) J. BARROW.

[Enclosure in the above.]

Extract of a letter from the Cape of Good Hope dated 5th August 1825.

“ When Sir Rufane Donkin closed his account in 1821 there was a surplus in that year’s receipt and expenditure of upwards of Rds. 250,000, and no debt.

“ That sum has been absorbed ; the debt now due to the Commissariat is I believe about 750,000 Rds. There was no money in the Treasury to pay the expenses of the last Quarter and 250,000 were borrowed from the Agent of the E. I. Company to effect that necessary purpose.

“ But besides these three sums and the amount of the annual Revenue, (say 1,400,000 Rds.) Lord Charles drew upon England in 1823 to the amount of £45,000 which produced 630,000 Rds. Such is the state of the Colonial finance, and this statement, short as it is, is a more accurate account than they will obtain in Downing Street. You may therefore give it to Mr. Horton if you think proper. I am sure it is correct or nearly so. It proves that the expenditure of the last 3½ years has exceeded the receipts nearly 2,000,000 Rds.

“ In the mean time the Dutch consider the Ordinance of the 6th of June as a breach of faith and tax us roundly with it. The hostile feelings of the Inhabitants towards us nationally never have been so loudly or so generally manifested since I have known the Place. I hear that in the Graaff Reinet district the sentiments of the Boers have been warmly expressed and that apprehensions are felt that they may be misled into violence. We may despise these ebullitions, but it is sad to know that the feeling has been excited by our injustice.”

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, *November 9th 1825.*

MY LORD,—I have the Honor to acknowledge the Receipt of Your Lordship’s Despatch of the 4th of August last covering a

Letter addressed by Mr. Griffin to Mr. Wilmot Horton, by order of the Master General and Board of Ordnance, relative to the sale of a Cottage at Wynberg given over to the Ordnance Department as an Officer's Quarter, which for reasons which I considered extremely advantageous to the Public I was led to Authorize.

Your Lordship is pleased to express your hope that "I shall not again be betrayed into such irregularities." I presume that your Lordship has been induced to characterize my conduct by such an expression from the Board of Ordnance having withheld from your Lordship the Correspondence which took place previous to my authorizing the sale in question. Had that correspondence been submitted to your Lordship, your Lordship would have perceived that I took infinite pains to ascertain the cause of the unceasing and vexatious Expences required for this insignificant building during and after every winter, and that the Commanding Royal Engineer coincided with me as to my opinion of the expediency of disposing of it. As the Expences of the Ordnance Department on this Station, and the Annual Estimates relating thereto, that are transmitted home, as well as every Item of current expence in that Department, require my signature and approval I was ignorant until the receipt of Mr. Griffin's letter, enclosed in your Lordship's Dispatch of the 4th August, that I was unnecessarily interfering in the Business of the Ordnance Department when I authorized anything that would lead to the saving of a constant expence, and indeed I had considered, until now, that it was as much my duty to endeavour to avoid Expenditure in that Department of Government as in any other under my control.

I shall however in future decline offering any interference whatever, unless the Item submitted has been previously authorized by the Master General and Board.

I have the Honor to enclose to your Lordship the whole correspondence that has occurred on this subject, by which I doubt not your Lordship will be convinced that I have not only been actuated by a sense of duty to the Public Service, but that to the extent of the Property in question the Public never obtained a more advantageous Bargain. I have also the honor to annex for your Lordship's information, a Memorandum

of the manner in which this Building was originally erected and by what means it came into the hands of Government.

In order to put your Lordship in full possession of all the circumstances, I must here add, that two other Buildings in this Cantonment, erected under precisely the same circumstances and taken possession of by Government at the same moment and under similar conditions, were disposed of to individuals from the same cause, viz.: the instability of the materials of the Buildings, and the constant Repair they necessitated.

The disposal of these took place at two distinct periods, previous to the Cantonment being made over to the Royal Engineer Department, and the measure was considered an advantageous one to the Public Interests, although the Terms were greatly less favourable to the Public than the one now in question. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[The Enclosures are voluminous, but can be of no interest now, so they are not given.—G. M. T.]

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. D. P. FRANCIS.

DOWNING STREET, 9th November 1825.

SIR,—I have received your letter of 29th Ultimo, and regret that I cannot hold out to you any expectation that your request to be furnished with a Copy of the Report on your case which has been sent home by the Cape Commissioners can be complied with.

The documents which they have transmitted relative to yours and other cases of a similar description are very voluminous, and evince so praiseworthy an anxiety on their parts to avail themselves of every possible channel of information by which any light could be thrown on the different points proposed for their elucidation, that no doubt can remain of their having sought out the best evidence which was to be had

to assist in their investigation ; and having already read to you such parts of their Report on your Memorial as were considered most important for your interests to be acquainted with, I am not aware that I can with propriety do more.

You mentioned to me when I last saw you, that you were desirous of knowing whether the Commissioners had examined certain persons to whom you had referred as most capable of affording information respecting the points on which you considered you had most reason to complain.

As I do not perceive in your Memorial to the Commissioners any reference of this kind, I am unable to satisfy you in this point, but if you will let me know the names of the Parties in question, I shall take care that you are informed whether they were examined by the Commissioners as suggested by you.

I remain &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the Secretary to Government to the Commissioners of Enquiry.

Wednesday, November 9, 1825.

MY DEAR SIRS,—My temporary absence from Cape Town prevented my receiving your letter of the 4th Instant until last night, and I must confess the contents of it have given me great pain.

I have already expressed to you my positive assertion that the observation I made to Dr. Barry took place previously to the Fiscal's Medical Inquiry. I have also stated to you, as nearly as my memory will authorise me so to do, the occasion upon which I made that observation. I have denied in the strongest manner the truth of the two assertions made by Dr. Barry, and referred to in your previous letter of the 1st Instant, and in confirmation of my statement I have requested a reference to be made to Lord Charles Somerset and to Mr. Kekewich, Judge of the Vice Admiralty Court, on the occasion of the Interview at Government House.

I now deny in an equally strong and solemn manner the last assertion which Dr. Barry has thought proper to set up with regard to his demand for copies of his correspondence with the Fiscal, and shall as in the other two cases state the facts as they occurred.

Mr. Brink came to me one morning and stated that Dr. Barry had not returned the original correspondence of the Fiscal. He said that he had spoken to Dr. Barry, who said that he could not return them until he had made copies thereof. As these Documents were required to be submitted to Council, I desired Mr. Brink to write out an Official Letter to Dr. Barry stating that it was necessary he should return the papers forthwith, but that if he wished to have copies of them I would order them to be made for him at my Office. This letter was written and signed by me, but from what Mr. Brink tells me, Dr. Barry had returned the original Documents before my letter could have actually reached him. And this is all that I ever heard of copies of that correspondence.

It appears however, that Dr. Barry's memory and his personal statements to you have been so precise, and that they have been so backed by some Person whose name (for reasons that I am at a loss to account) you do not feel justified to mention, that you are inclined to believe his statement to be correct, and would fain hope that my warmth of feeling may have led me into an inadvertent expression which the irritating language of Dr. Barry had forced upon me.

As to my memory, I regret with you that it cannot fix the moment when the conversation took place, but I had much rather it should be so than that I should follow the plan which Dr. Barry appears to me to be pursuing, viz. of making his memory of such a convenient nature as just to meet and suit his own views and purposes.

To wave, however, all discussion between Dr. Barry and myself as to the period of the conversation, and to come to the most important part of the question, viz. the nature of the observation I made as alluding to your Office, I beg leave to assure you that such observation was not made by me inadvertently, and on a recurrence of the occasion that brought it forward I should make it again.

But as this must become matter of reference to Earl Bathurst,

it will be necessary to repeat what I did say and what I think I was perfectly justified in saying, viz. that in the event of any Government Officer who had been ordered by Government to investigate or to enquire into any particular case presuming to report the result of such investigation to the Commissioners of Inquiry instead of reporting it to Government, I would, were I Governor, dismiss that Officer from his situation.

I am well aware of the importance of the Office of a Commission of Inquiry and of the delicate nature of its functions. I am well aware that it is the duty of the Government and my own duty in the high situation I hold here to support and uphold it, and to afford it every possible facility in the execution of the authority entrusted to it. And I will appeal to you, Gentlemen, whether I have fulfilled my share of duty in this respect since my arrival here. I will appeal to you whether I have not acted up to it to the utmost possible extent, nay that I have gone beyond it, that there is scarcely one public Act of this Government promulgated since my arrival here that I have not submitted privately to the consideration of either one or both of you, tho' chiefly to Mr. Bigge, and altho' by so doing I never had the slightest idea of attaching any responsibility to either of you, or of absolving myself from any such in consequence of my private communications, still I must claim from your Justice the fact of my having done so, and of my having been always ready to attend to any suggestions that might fall from you on those occasions.

But my duty towards the Commissioners of Inquiry was not my only business. I had another and a still more important duty, viz. to uphold the Government itself, and to support its dignity and authority.

These are the principles upon which I have been brought up. I have now served His Majesty's Government for twenty-seven years, and altho' by no means independent, I should never keep my situation one moment were I not to be allowed to act up to them, and I should have thought myself very culpable indeed in this part of my duty had I allowed Dr. Barry to continue in his system of bullying and brow-beating the local authorities, of acting in open violation to the laws, of questioning the purity of the Members of His Majesty's Council to whom his case was about to be submitted, and lastly, of

making a handle of the Commission of Inquiry for the sole purpose of setting the Government at defiance. Whatever professional talents Dr. Barry may possess, and whatever support and confidence he may derive therefrom, they cannot afford any palliation of such conduct. I have done all I could for him by warning him frequently of the impropriety of his conduct in his official correspondence ; and although he may now wish for purposes of his own to twist his removal from one situation (out of four which he held under this Government) to his not being allowed to complain to the Commissioners of Inquiry, the official Records of this Government and the Proceedings of Council will prove a complete refutation of any such ridiculous idea, and indeed without such Documents the conduct of the Government towards the Commission of Inquiry during its long residence here, the anxiety it has always shewn to afford every information and explanation, would in itself at once refute any such base insinuation.

On reperusing your letter I find that I have not explained myself upon one point, viz. as to Government Officers affording general information unsolicited to the Commission of Inquiry. I have only to repeat on this subject what I stated to you in my first note, that in my opinion it would be more decorous were such Officer to forward the information through Government to you ; but I never contended for one moment that Government was to dismiss a servant for so doing. On the contrary I should recommend the Government to wave its privilege and to allow such reference to pass without remark ; and I have already done so in one instance.

I cannot conclude this letter without regretting that Dr. Barry should have caused such a correspondence to pass between us after the cordial manner in which we have hitherto acted together. It will now be for Lord Bathurst to decide upon the merits of the case. To him I shall, as I have said before, transmit the whole correspondence, and I trust we shall continue to act together in the same spirit which has heretofore afforded me so much satisfaction. I remain &c.

(Signed) RICHARD PLASKET.

P.S. Since writing the above Mr. Gregory, Secretary to your Commission, has reminded me of a conversation I had

with him one morning, in which I stated to him what had passed between Dr. Barry and myself. I have, therefore to request, with his permission, as he is an impartial Person, that you would be good enough to enquire from him as to the period when such conversation took place, and whether before or after the Fiscal's Judicial Proceedings took place.

(Signed) R. P.

[Copy.]

Letter from R. W. HAY, ESQRE., to GEORGE HARRISON, ESQRE.

DOWNING STREET, 10th November 1825.

SIR,—I am directed by Earl Bathurst to transmit to you, inclosed, a copy of a letter which has been received from the Commissioners of Inquiry at the Cape of Good Hope, inclosing a copy of a Petition which has been prepared by the inhabitants of that Colony, praying for the repeal of the Ordinance of the Governor in Council which declares British silver money a legal tender at the rate of 1s. 6d. sterling for each paper rixdollar; and I am to desire that you will lay these papers before the Lords Commissioners of His Majesty's Treasury.

I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM DUNN.

DOWNING STREET, LONDON, 10th November 1825.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your application of the 12th of July last, and to acquaint you in reply that the Office of Clerk of the Council of Government at the Cape has been conferred upon Mr. Dudley Perceval. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to G. HARRISON, ESQRE.

DOWNING STREET, 10 November 1825.

SIR,—I am directed by Earl Bathurst to transmit to you enclosed copies of dispatches which have been received from Lord Charles Somerset, representing the necessity under which he has been of contracting a loan for the Service of the Government of the Cape of Good Hope, and requesting that the Colonial Treasury may be relieved from the expense of maintaining the Cape Corps ; and I am to request that you will lay these dispatches before the Lords Commissioners of the Treasury, and move their Lordships to favour Earl Bathurst with their opinion as to the instructions which it may be proper to convey to Lord Charles Somerset for his guidance on this subject. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to G. HARRISON, ESQRE.

DOWNING STREET, 10 November 1825.

SIR,—Having laid before Earl Bathurst your letter of the 29 Ultimo, I am directed by his Lordship to acquaint you for the information of the Lords Commissioners of His Majesty's Treasury that no money was deposited in the hands of any person connected with the Colonial Department by any of the Settlers proceeding to the Cape of Good Hope ; his Lordship is therefore unable to point out the names of the persons to whom any particular deposits may have been repaid, whether on their own account or on account of individuals who may have belonged to their parties ; but his Lordship is of opinion that any detailed information which may be required upon this subject, might be obtained upon application to the Government of the Cape. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 11th November 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 23rd of August last, transmitting a Memorial from Mr. George Greig in which this Individual solicits to be replaced in possession of the Printing Materials which were purchased from him some time since by your Excellency's Government, and which your Excellency was desired to restore to him.

I received at the same time from Mr. Greig a representation upon this subject, of which I annex a copy.

I regret that at the period when I held out to Mr. Greig the expectation that his printing Materials would be restored to him, upon his return to the Colony, I was not aware that they had in fact been sold to another individual, but as I consider it proper that your Excellency should be enabled to comply fully with the conditions upon which Mr. Greig was allowed to return to the Cape, to resume his business as a Printer, I have instructed the Colonial Agent to provide, and send to the Colony, the Printing Materials enumerated in the Inventory which accompanies your Excellency's dispatch, and which you will place at the disposal of Mr. Bridekirk, after the materials now in his possession shall have been transferred to Mr. George Greig; and your Excellency will understand that Mr. Greig must be called upon to repay the value of these Materials by fixed instalments as intimated to him on the 7th of March, in a letter of which I forwarded a copy for your information on a former occasion.

With reference to that part of Mr. Greig's Memorial to your Excellency, in which, as far as I understand it, he appears to complain that Mr. Bridekirk has not been subjected to the same restrictions in regard to the selection of subjects for insertion in his journal; I have to acquaint your Excellency that it will be expedient that the conditions upon which Mr. Bridekirk is licensed to publish a journal should be substantially the same as those upon which you have licensed the publication of Mr. Greig's journal.

I enclose a copy of the answer which I have directed my Under Secretary of State to return to Mr. Greig's representation. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. GEORGE GREIG.

DOWNING STREET, LONDON, 11th November 1825.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 26th August, enclosing copy of a memorial which you had addressed to the Governor of the Cape of Good Hope, and to acquaint you in reply that arrangements will be made forthwith for replacing you in possession of the printing materials which were purchased from you by the colonial government, but which it appears had been resold to another individual subsequently to your departure from the colony.

Although his Lordship has thought it unnecessary to direct me to advert to several incorrect statements contained in your letter, yet as you have most erroneously represented the conditions upon which his Lordship consented that the printing materials in question should be restored to you, I am desired to acquaint you that his Lordship cannot authorize any deviation from those conditions as stated and explained in the several written communications which were made to you by Mr. Horton.

In his letter of the 12th of February you were informed that the printing materials would be restored to you upon your repaying to the colonial government the sum you received as the value of them, subject to such deduction for their wear and tear as might appear reasonable; and upon a subsequent representation which was received from you upon the subject, you were informed that his Lordship would have no objection, in compliance with your request, to instruct the colonial government to receive that repayment in fixed instalments, to be completed in five years; but it was thought right to apprise you at the same time, that his Lordship could not undertake

to give such peremptory instructions upon this point as would preclude the colonial government from enforcing the whole repayment of that sum, if the public interests should at any time require it. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Note from R. W. HAY, ESQRE., to the REVEREND C. I. LATROBE.

Mr. Hay presents his compliments to Mr. Latrobe, and is directed by Earl Bathurst to acquaint Mr. Latrobe in answer to his letter of the 6th Instant, that Passports and a letter of recommendation to the Governor of the Cape of Good Hope, will be granted to the two Missionaries of the Church of the Unitas Fratrum who are about to proceed to that Colony.

DOWNING STREET, 11th November 1825.

[Copy.]

Letter from the Fiscal to the Commissioners of Enquiry.

FISCAL'S OFFICE, 11th November 1825.

GENTLEMEN,—To comply with your desire, expressed to me in your letter of the 22nd ultimo, relative to a statement made by Bishop Burnett to Earl Bathurst, in which he complains of a search that was made in the house in which he resided at Cape Town, for the purpose of discovering the original placard containing the most atrocious accusations against his Excellency the Governor, I do myself the honour, with reference to the report transmitted to the secretary to government by my letter of the 14th ultimo on the same subject, which I am informed has been communicated to you, and in addition to my said report to state, for your information, that the intimacy existing at that time between Bishop Burnett and William Edwards, a prisoner under sentence of transportation, who was suspected to be one of the makers of the placard, joined to my discovery of a copy of a similar placard, apparently made by the same

author or authors, *which was written in the very well known handwriting of Bishop Burnett*, and found in the possession of William Edwards, has given rise to the suspicion entertained against Bishop Burnett, and thereby occasioned my application to his Excellency for a search-warrant in the house in which he then resided, and that my suspicion has been most remarkably strengthened by the repeated evidence of Daniel Lee, sworn to on the 9th June 1824.

Having in my said report referred to that evidence as a reason which induced me to make application to his Excellency for a search-warrant in the house wherein Bishop Burnett resided, I thought it requisite, in my letter of the 3rd instant, giving cover to the documents intended to be annexed to my report, to redress my mistake ; and as I have no doubt but that you will receive his Excellency's communication of my said letter and annexed documents, I take the liberty only to enclose a copy of my list of the annexures, and venture to request your indulgence for not sending you copies of the documents, which it is not in my power to procure without some delay, being unfortunately deprived of the assistance of the clerk employed in copying the same. Respecting the allegation of Bishop Burnett, "that the act of making and publishing the placard should be attributable to a person of the name of Oliver, known in this colony by the name of Jones, and employed in the superintendence of the government works at Cape Town, as well as to another miscreant," I can only say, that no information whatever has been given me which could have justified such suspicion ; but that about the time when the solemn evidence of Daniel Lee was required by me, a report most industriously was brought into circulation that the person named Shee, a tailor, residing in this town, who gave information about Daniel Lee, together with another person named William Jones, the town surveyor, apparently alluded to by Bishop Burnett under the fictitious name of Oliver, should have been induced by the high reward offered by his Excellency's proclamation of the 2nd June 1824 to give that information. In justice to Mr. Jones, I am obliged to observe, that never any thing transpired which could give rise to the least suspicion of his having associated with Mr. Shee in giving me the aforesaid information, or of his being implicated

in any part of the disgraceful affair on which I was inquiring ; nor have I been able to come to the knowledge of any more details respecting the author, writer or publisher of the placard than what are stated in the evidence of Daniel Lee.

I have &c.

(Signed) D. DENYSSEN.

[Copy.]

Letter from R. ROGERSON, ESQRE., to the COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 11th November 1825.

GENTLEMEN,—I have the honour to acknowledge the receipt of your communication of the 9th instant, relative to the arrangements which were adopted respecting the government farm supplying the troops with rations, &c., on the frontiers of the colony. In answer to which I have the honour to state for your information, that as the principal part of the commissariat expenditure on the frontiers of the colony was for account of the colonial government, his Excellency, the Governor's, orders were generally sent direct to the commandant, landdrost, or responsible officer, stationed on the frontiers, who issued his orders to the commissariat officer on the station, without the communications so made (from the great distance of the station) coming through my office at head-quarters ; consequently, being ignorant of these orders and arrangements, I was obliged to send all the frontier accounts, on their arrival at head-quarters, direct to the military auditor for his examination, who forwarded his queries and observations to the frontier accountant for his answers and explanations, and when the accounts were completed the commissioners of accounts forwarded them to me to be included in my general account with the Lords of the Treasury, and were then forwarded to England with all the authorities, &c. and which has been the usual practice on this station for many years. With reference to the transmission of authorities, &c. it has been the custom on this station for the accountant

to transmit one copy of his periodical account current direct to the Treasury for the information of the Right honourable the Lords Commissioners of the Treasury, and another with all the vouchers, documents and authorities in support of the account, together with the remarks of the military auditor, to the auditors general at home. The orders respecting the immediate transmission of general orders, authorities, &c. did not reach this station till after I had given over the charge of the commissariat department to Deputy Commissary General Hewetson. Perhaps it may not be irrelevant to state, that from the system adopted on the frontiers, and the irregularity of commissariat officers being under the orders of the civil magistrates, &c. I represented to the Lords Commissioners of His Majesty's Treasury the expediency of a colonial commissariat being established; but their Lordships were not pleased to authorize such an arrangement. A copy of my letter upon that subject I have the honour to enclose herewith.

From the circumstances within stated, I take the liberty of referring you to the assistant commissary general of accounts for any further information upon this subject. I have &c.

(Signed) R. ROGERSON, A.C.G.

[Original.]

Letter from MR. D. P. FRANCIS to EARL BATHURST.

MALDON, ESSEX, 11th November 1825.

MY LORD,—Having been informed by Mr. Under Secretary Hay that the Commissioners of Inquiry at the Cape of Good Hope have reported upon the complaints I made upon various subjects as a British settler so very different to what I anticipated and conceived I had a right in justice to expect, I applied to Mr. Hay by letter on the 29th ultimo, to which I have not been favoured with a reply, requesting to be Informed whether I was entitled to a Copy of the evidence and report upon the subject in question, and if I was Entitled, I requested to be furnished with a Copy, trusting that such a request will not be deemed unreasonable by your Lordship, presuming in Justice

I should have the Opportunity of ascertaining whether or not the Individuals I named to the Commissioners have been examined upon Oath, as I requested they should be, to support or disprove my statements, as I conceive that it is a duty I owe to myself to show that I have not made false or groundless complaints against anyone in authority.

I cannot but feel My Lord that it is Impossible the Commissioners of Inquiry could have come to any other Conclusion than that I was Entitled to remuneration for the losses I sustained as a British Settler from the Circumstances I represented, if they examined such persons as I pointed out to them, as well as the local authorities concerned, but if only the latter were examined upon the Subject I am not surprised at the Report made by the Commissioners.

I also anticipated that your Lordship would have been disposed to have Considered my claims favourably as far as was known to Sir Rufane Donkin and Mr. Henry Ellis, whom I referred your Lordship to some months since.

If my Lord you should decide that I am not Entitled to the request I solicit in this letter, or to any remuneration or consideration, I am fully aware that I must submit to my fate *ruined as I am* by my expedition to the Cape, and by the Circumstances as represented to the Commissioners of Inquiry, and also to your Lordship in April last.

Should this be your Lordship's decision, although I should regret doing anything which would be displeasing to any part of His Majesty's Government, which I have ever been sincerely attached to, still it is my intention to lay before the Public my own case and such others of the Settlers, together with the principal Causes and effects which led to the most unfortunate results, and which were intrusted to my Care to lay before the Commissioners of Inquiry, as well as many other subjects relating to the Colonial Government which did not so immediately concern the Settlers.

And I beg to reassure your Lordship that it is from no wish to displease any part of His Majesty's Government, but from a sense of what is due to others as well as myself, that the truth should appear, and nothing but the truth shall appear from me as relates to the Government of the Cape of Good Hope, and which I shall be prepared to justify if called upon in any place.

As my Case was placed before the Commissioners upwards of two years ago, I trust your Lordship will not think me too pressing for a decision upon the subject, when I assure your Lordship that if I cannot be placed in a better situation than I am at present it is impossible I can under any circumstances be placed in a worse. I have &c.

(Signed) D. P. FRANCIS.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 12th November 1825.

MY LORD,—I have had the honor to receive your Excellency's dispatches of the numbers and dates noted in the margin.

No. 205—23 July.	Excellency states that you had issued a
„ 209—30 „	Warrant for the sum of 21,580 Rix-
„ 211—30 „	dollars, being the amount of the excess
	of charge occasioned by the repair of

the Road from Cape Town to the Naval Arsenal at Simons Town, after deducting the produce of the Tolls; and your Excellency expresses your hope, that I would signify my approbation of this expenditure to the Lords Commissioners of His Majesty's Treasury.

As the statement which your Excellency has made to me of the grounds upon which you incurred this Expenditure, is insufficient to enable me to acquaint The Lords Commissioners with the merits of the arrangement, I can only recommend that you would take an early opportunity of bringing the details of the subject more fully under my consideration.

The proposal of the Inhabitants of the District of Somerset to erect a Place of Worship is highly praiseworthy, and it would give me much satisfaction were I enabled to authorize your Excellency to assist them in that undertaking. The state of the Colonial Revenue, however, precludes the hope that such assistance could be afforded, without producing embarrassment; and it will be proper, therefore, that your Excellency should signify to the persons who are desirous of engaging in

that undertaking that they must not expect any pecuniary assistance from the Colonial Treasury.

For the same reasons, the project of erecting a Wharf at Port Elizabeth must be entirely laid aside for the present.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 12 November 1825.

MY LORD,—In compliance with the directions contained in Your Lordship's Dispatch of the 29th June last, I have the honor to transmit to your Lordship, for the information of the House of Commons, Returns of the population of this Colony in each year from 1812 to 1820 inclusive, and of the number of Births and deaths that have taken place in the same period, distinguishing the white and the free black or coloured from the Slave population, and also the Sexes. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from EARL BATHURST to MAJOR-GENERAL BOURKE.

DOWNING STREET, LONDON, 14th November 1825.

SIR,—In the event of the Government of the Cape devolving upon you by reason of Lord Charles' absence, and of Colonel Bird's applying to you for the payment of his Pension, you will suspend any such payment in conformity with the instruction sent to Lord Charles dated 3rd October, in which he was directed not to pay the pension if Colonel Bird should not have given a satisfactory answer before the receipt of the instruction whether it should stand in his name or in that of his wife.

I have &c.

(Signed) BATHURST.

[Copy.]

*Letter from the Secretary to Government to the
Commissioners of Enquiry.*

14th November 1825.

MY DEAR SIRs,—As I am about to address Lord Bathurst upon the subject of the correspondence which has lately passed between us, and as it appears that my explanation to you has been anything than satisfactory, I deem it to be my duty, in my own defence, to obtain every possible information relative to the various points discussed in our correspondence, in order to meet every question which may be asserted by Dr. Barry against me. I have, therefore, to request you will be kind enough to assist me with your Explanations on the following Points :

1st. In the first letter you addressed to me on the subject of the observation I made to Dr. Barry, you stated that such observation had reached you from current report in Cape Town. May I beg of you to let me know, provided you feel yourselves justified in stating them, the names of the Persons from whom this Report reached you, in order that I may know whether the original Reports were to the same effect as the statement now made by Dr. Barry ; and also whether this Report reached you until after Dr. Barry's removal from Office took place.

2nd. In your second letter to me you state that you have very little doubt that the declaration I had made to Dr. Barry had been coupled in the public mind with his recent retirement from Office. I have, on this point, to beg to be informed whether such doubt was conveyed to you by common Report, or insinuated by Dr. Barry, or whether it was merely a suggestion of your own as to the result of such declaration.

3rd. In the third letter which you were good enough to write to me, you state that Dr. Barry had made so very precise a statement of his conversation with me as to induce you to believe that my statement was erroneous, and that in support of his construction he had appealed to the evidence of a Person whom at present you were not at liberty to name.

Upon this point I should be happy to learn whether the precise statement of Dr. Barry as above alluded to was

demanding from him in the same manner in which my explanations have been demanded from me, viz. in writing, and whether he gave a written statement of what you allude to in your correspondence with me, or whether such statement was made in personal conversation. And further, whether the evidence of the Person who does not wish to come forward on this occasion was taken in writing or not.

4th. In the Interview at Government House, when Mr. Kekewich, the Judge of the Vice Admiralty Court, came forward with Dr. Barry to remonstrate against the Proceedings of the Fiscal which had occurred on the morning of that day, he stated to His Excellency the Governor that Mr. Bigge agreed with him in the view of the case.

Upon this point I should be glad to know whether Mr. Bigge had been consulted by Dr. Barry or by Mr. Kekewich in this case previous to its being submitted to Government, and whether he had given the opinion as stated by Mr. Kekewich.

I should also wish to know, provided it does not interfere with private feelings of delicacy, whether Dr. Barry was not in the habit of shewing to you or to either of you his Official Correspondence with Government on all occasions, but particularly in the correspondence relative to the Fiscal which led to the present question. I am the more inclined to ask for explanation upon this point because Dr. Barry never came to me upon any public business but he commenced with "Mr. Kekewich said so and so," or "Mr. Bigge was of such an opinion"; and it is not long since, as Dr. Barry will confirm, that I was under the necessity of stating to him that if he came to me on the public business of his Department he must speak in his own name, and that I did not wish to hear, at least from him, any opinion either of Mr. Kekewich or Mr. Bigge, however happy I might be to have their advice on other occasions.

I beg you will excuse the trouble I am now giving you. Nothing but a perfect conviction that you have been deceived by Dr. Barry, and that I must necessarily not only defend myself against him but against your Report of the circumstance of this case, would have induced me to ask for such detailed explanation. I remain &c.

(Signed) RICHD. PLASKET.

[Copy.]

Letter from ADVOCATE HENRY CLOETE *to* SIR RICHARD PLASKET.

HEEREGRAGT, 15 November 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of yesterday's date enclosing Extracts from a certain Journal said to have been kept by Mr. Carnall, and requesting some explanation on the subject of assertions there stated to have been made by me reflecting on the Court of Justice as having passed a Sentence of Transportation upon him to please His Excellency the Governor, and beg you will be pleased to convey to His Excellency the expression of my regret that the sacred and inviolable pledge existing between an Advocate and his client in reference to their official intercourse prevents me from rendering *my* explanations as full and explicit as I otherwise could do, to the entire satisfaction of His Excellency, but I feel myself at liberty candidly to state that I have always considered the case of Mr. Carnall as one of almost unequalled hardship, inasmuch as I ever deemed the proof of his *personal* and immediate instrumentality to the escape of the felon Edwards as extremely vague and insufficient, and the authorities relied upon by His Majesty's Fiscal in support of his claim for a Sentence of transportation as inapplicable and inconsistent with the laws of this Colony. That however so far from supposing any wish to please His Excellency to have actuated the Court, I urged Mr. Carnall to apply to His Excellency as the channel most likely to obtain redress or relief of his grievances, and particularly remember that towards the latter end of November I called upon him for no other purpose but to acquaint him that I had every reason to hope His Excellency had taken a favorable view of the memorial I had presented on his behalf for a mitigation of punishment (as the result proved to be the Case). I trust His Excellency will do both my heart and judgment that justice as to rest assured that I never could have made any assertion so inconsistent to the mode I was pursuing as the best calculated for the interests of my Client, nor have given

such a person as Mr. Carnall a license to make assertions in my name which my heart disowned and my understanding did not justify. I have &c.

(Signed) H. CLOETE, Law. Son.

[Copy.]

Letter from the Commissioners of Enquiry to the Secretary to Government.

GRAAVE STREET, November 16, 1825.

MY DEAR SIR,—We only waited for the reply of Dr. Barry to our request that he would furnish us with the particulars of the conversation that is the subject of the correspondence between us, to reply to your letter of the 14th. We received his letter yesterday evening, and now beg leave to enclose an Extract from it, in which he gives a detailed account of the conversation, but without authorising us to name the person by whom he was recommended to submit the circumstances of the Imprisonment with which he was threatened to our consideration, although we are enabled to state to you that the fact of the recommendation has been confirmed to us in writing.

After referring to Mr. Kekewich, we do not find that there exists any material difference of recollection between the Persons who were present at the Interview at Government House as to what passed on that occasion, and the impression is that the opinions you had then delivered were in favor of the protection that Dr. Barry had sought. Mr. Kekewich had stated to Mr. Bigge that he intended to submit his opinion to His Excellency the Governor upon the situation in which Dr. Barry was placed; and on Mr. Bigge concurring in the view that Mr. Kekewich had taken of it, said that he had no objection to his opinion being stated. Mr. Bigge recollects that Lord Charles Somerset had mentioned the circumstance to him in conversation on the day preceding that on which the Interview took place at Government House.

As we conceive that the question between us is now reduced to a consideration of the subject and circumstances that gave rise to the observation that fell from you, we trust that you

will excuse us from replying with a greater degree of certainty to the several questions you have proposed than this consideration may require, as that may lead to an anticipation of subjects connected with an Inquiry that we propose to Institute into the manner in which the King's legislative Authority has been exercised by the Governor in Council in altering the constitution that had been so recently given to the Medical Establishment. We beg to assure you that we had formed no conclusive opinion as to the subject of Dr. Barry's conversation with you when we addressed to you our letter of the 4th November, and it was only from the admission that you made of your defective recollection (as still more apparent in the postscript to your letter of the 1st) contrasted with Dr. Barry's detail of the particulars of the conversation which he had then only delivered verbally to us, that we were induced to attribute the expressions that had fallen from you to Inadvertence. It is perfectly within our recollection that Dr. Barry communicated to us the expressions that you had made use of very soon after his Interview with you, but attaching little importance to the circumstance, we retained no recollection of the date or even of the subject to which they applied, and in all probability, we should not have noticed them to you if we had not understood some days afterwards that they had become the subject of conversation, and had been made so by Dr. Barry himself. We have reason to believe that this Report reached us previous to the publication of the Document in which Dr. Barry's Office was declared to be "abolished" by the appointment of a Committee, and it was from the nature and terms of this Document that we were led to infer that his dismissal from Office would be coupled in the public mind with the declaration that he had alleged you to have previously made. We have referred to Mr. Gregory, who informs us that you had communicated to him the tenor of a conversation that had passed between yourself and Dr. Barry on a preceding day, in which after he had stated his intention of bringing some subject before us upon which he had been commissioned to enquire by the Government, you informed him that in the event of his doing so when he had been ordered to report to Government, he would deserve to be dismissed, or words to that effect. Mr. Gregory states that he cannot recollect the

period in which you made this communication to him, but he asserts with some degree of confidence that it was previous to the discussion of the Judicial Order for Dr. Barry's imprisonment, and that the subject of Inquiry was the condition of some Person confined in the Tronk, or some abuse that had existed there.

After stating thus much we beg to repeat our assurance that in the event of our being induced to bring the subject to the notice of Earl Bathurst, we have no other motive than that of putting his Lordship in possession of a subject which in the present position of the administration of this Colony and the manner in which it is publicly viewed in England, may, if reported there without explanation, tend to encrease its unpopularity and expose it to the further reproach of attempting to stifle those Inquiries to the result of which the attention of Parliament has been so recently and forcibly called.

When the proper season arrives we shall be ready to do Justice to the disposition which has been manifested by this Government to promote the objects of our Commission, and while we acknowledge the courtesy to which we have been indebted for occasional communication of the views of Government upon measures that were either in Progress or had been already decided, we must beg to disclaim any share of responsibility for the manner or the consequences of these Promulgations. On the other hand, you will, we are sure, do us the justice to admit that we have not intruded our opinions, and which in truth we were studious to reserve both here and at home until our information should be mature, and that the offer that was made by one of us (Mr. Bigge) to assist in drawing up a Proclamation in which the Powers of the Supreme Medical Committee should be modelled and defined, could not, in fairness, be considered liable to such a construction. Our recommendations have been confined to the expediency of avoiding the consequences of hasty and imperfect legislation, and of postponing the adoption of any material changes until the means were afforded for effecting them with safety, and after full information, and in conformity to the views entertained by His Majesty's Government. From the nature of our Instructions all collision of opinion between the local authorities and ourselves was studiously guarded against, and it was

only through circumstances similar to those that have now occurred respecting the limits of our authority that any difference could possibly arise. With a view to avoid such difference we have forborne all discussion of the opinions with which you have favored us upon this subject, being convinced that the temperate exercise of our admitted authority was a more likely method of insuring respect and acquiescence in it than the assertion of it in cases where it might be questioned; and the same consideration leads us to abstain from noticing any expressions in your letter which have reference more to your feelings regarding Dr. Barry and his proceedings than to the Particular Question that has given rise to this Correspondence. We would only disclaim your allegations as affecting ourselves, and remark to you that the state of the Establishments under Dr. Barry's professional superintendence had been a frequent subject of our observation and Inquiry previous to his removal from Office, and had given occasion to our visits to the prisons and hospital, but that his various Reports to the Government on the abuses of these establishments have only been used by us since we have had occasion to call for his correspondence.

We certainly should greatly regret that anything that has passed should lead to the slightest interruption of the amicable Intercourse that has subsisted between us, but we really cannot see that the circumstance of our being unable to concur in the conviction you entertain of our having been deceived by Dr. Barry should lead to any such result. We beg to remain &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Enclosure in the above.]

Extracts from a letter addressed by Dr. Barry to His Majesty's Commissioners of Inquiry, dated Heeregragt, Nov. 14, 1825.

"The whole transaction excited a great deal of conversation in the Town, and on Monday the 19th subsequent I consulted a friend, as I have already verbally explained to you, as to my actual position, being a British Officer, and having such a sentence as civil imprisonment hanging over my head for

having performed what I considered a very important duty to the Public and to my own situation.

“The result of this communication was that it would be but fair to Sir Richard Plasket to wait upon him and after expressing my feelings to request that I might be furnished from the Court with the sentence and other documents relating to the Trial, with a view to lay them before His Majesty’s Commissioners of Inquiry for their specific investigation. The same day I communicated such my intentions to Mr. Kekewich.

“So far I can positively fix the time, but whether it was on the following day Tuesday the 20th, or on Wednesday the 21st, I really cannot decidedly say, but certainly between the 19th and the 23rd that I waited upon Sir Richard Plasket at the Colonial Office. On my way I saw Lt. Colonel Bird in his cart, who called out to me that he was astonished to find me at liberty, as he was then on his way to the Tronk to leave his card &c., &c., all of which did not tend to make me feel pleased with the conduct of His Majesty’s Fiscal. However, on my requesting the messenger to say to Sir Richard Plasket that I wished to speak to him, he sent word that unless it was something particular, he was engaged. I returned for answer that unless it were very particular indeed, I should not think of troubling him. I was then admitted, and he said he had one of his headaches, he was reading or looking at some Paper. I then expressed how much I felt annoyed at what had happened, and Sir Richard was pleased to say that for once I was right, that he himself had suggested to His Excellency my being ordered to make the Report. I said Colonel Bird had just been quizzing me about the result, upon which he broke out, ‘You are always quoting Bird, or Bigge, or Kekewich!’ I answered that this was the first time I had mentioned Colonel Bird to him, although I had stated Mr. Kekewich’s opinion, who indeed had done so himself at the Government House when he also mentioned Mr. Bigge, being permitted by that gentleman to do so. However I thought it was putting the original Documents into the Fiscal’s hands which had made him act as he had done. Be that as it may, the purport of my present visit was as there seemed to be doubt about the justice of the case to beg to be furnished with the whole of the documents from the Court, as I had it in contemplation to lay them before

His Majesty's Commissioners of Inquiry for their investigation. Upon which Sir Richard replied, 'If you do you shall be dismissed from your situation, and I will recommend it.' I answered, 'Indeed Sir, now you have threatened, I will do so, not as a matter of complaint but for their opinion and investigation, as well as for my own edification. It is a public concern, and I am now a Member of a Board (Mr. Kekewich is President) ordered by His Excellency to enquire into the state of the Tronk, the report upon which may probably not be so mild!' Sir Richard then went on to say that my Report was Improper, that I had torn a summons, &c., &c. Some further conversation took place, when I asserted and he admitted I was working for the public good; and I wound up by saying that if I had had my sword on when Mr. Fiscal proposed sending me to the Tronk, I should most certainly have cut off both his Ears, his Jews' ears off, to make him look smart. Sir Richard laughed and I left his Office."

[Original.]

Letter from MR. D. P. FRANCIS to R. W. HAY, ESQRE.

MALDON, 16th November 1825.

SIR,—I have the Honor to acknowledge the receipt of your Letter of the 7th Inst. and am sorry it did not reach me until the 13th in Consequence of its being sent to Jeffreys Street (where it laid until the 12th) instead of this place where I mentioned I was going to when I wrote you on the 29th Ultimo. My not having received yours of the above date was the cause of my writing to Lord Bathurst upon the Subject I mentioned to you in my former Letter.

In reference to that part of your Letter in which you mention if I will let you know the names of the parties whom I suggested should be examined you will take care to let me know whether they were examined by the Commissioners.

The parties I suggested should be examined were Col. Bird late Colonial Secretary, Mr. J. O. Truter, Secretary to Sir Rufane Donkin while on the Frontiers in 1821, Mr. Tulleken, Surveyor, Mr. Bergh, Landdrost, Mr. Buissinne, who Inspected

the Lands at Clan-William, Mr. Van Arden and Mr. Melk, Farmers, Mr. Craig, Commissariat, Algoa Bay, Captain Evatt, Commandant at Do., John Potgieter, Farmer, Mr. Goodwin now resident at Simon's Bay, Mr. Latham a Settler, Mr. Knobel Land Surveyor, Mr. Swan Do., and some others.

These are the parties I requested in writing the Commissioners would examine, besides referring them to several Official Documents upon the Subject in question. I have &c.

(Signed) D. P. FRANCIS.

[Copy.]

Records held by W. Hiddings, Esqre., Commissioned Member from the Worshipful the Court of Justice in the case of the Deputy Superintendent of Police R. O. Prosecutor, versus J. West, J. McCarthy, T. Donovan, P. Cogan, H. Reeves, D. Bourke, J. Mehan, J. Jordan, and J. Golding, on Wednesday the 16th November 1825.

Appeared before the Commissioned Member &c.

The Commissioned Member having heard the Prosecutor's claim with the Defence made by the Defendants, and taken everything into consideration that deserved attention, administering Justice in the name and on behalf of His Britannic Majesty, condemns the 1, 2, 3, 4, 6, 7, 8, and 9th Defendants to a severe flogging in the Prison, and the 5th Defendant to a confinement of three days in the Prison on bread and water, with rejection of the further claim made by the Prosecutor against the Defendants.

At the Cape of Good Hope, day and year as above.

(Signed) W. HIDDINGH.

After the pronouncing of the above Sentence the Defendants declared unanimously to lodge an appeal to the full Court.

Quod Attestor.

(Signed) C. C. BRESLER, Third Head Clerk.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 17 November 1825.

MY LORD.—I have the honor to transmit to Your Lordship several Documents relative to the state of the Public Wharf at Cape Town and Simon's Town.

The Wharf at Cape Town has undergone several temporary repairs within the last few years, which have in the aggregate entailed almost as heavy an Expenditure as would have attended the construction of a new Wharf, and although I have directed temporary repairs to be made, so as to ensure its safety for this season, a constant and increasing annual Expenditure will be necessary on this Head.

Should your Lordship therefore be of opinion that it would be more advantageous to build a new Wharf either at Cape Town or Simons Town, I would recommend the Timber to be of Teak, and to be supplied by some Agent to be appointed by the Government of Bombay, as the Malabar Teak is considered the best description of that Species of Wood.

I would also recommend that all the Piles should be coppered from the water's edge downwards and the copper for this purpose with a supply of other necessary articles should be sent out from England.

I beg leave to enclose to your Lordship a Memorandum of the quantity of Timber, and of other Articles that would be required for these works with an Estimate thereof, as nearly as it can be made out here, but it would be very desirable should your Lordship be pleased to authorise the undertaking of these expensive works, that a Civil Engineer should be appointed from Home to superintend the construction of them.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

CUSTOM HOUSE, CAPE TOWN, 17th May 1825.

SIR,—I have the honor to enclose to you for the information of His Excellency the Governor, a letter from the Wharf-

master, from which it appears, that unless some immediate repair be applied, the wharf will stand at great risk during the winter. In consequence of this information I viewed the Premises, and can assure His Excellency, that the state of the wharf is as described, and requires the immediate attention of competent workmen. I have the honor &c.

(Signed) W. WILBERFORCE BIRD,
Comptroller of Customs.

Sir Richard Plasket, Secretary to Government.

[Enclosure 2 in the above.]

WHARFMASTER'S OFFICE, 13th May 1825.

GENTLEMEN,—I have the honor to inform you that upon examining the Jetty, I discovered that several of the chief supporters of the Stairs have already given way, by which one side of the wharf is almost rendered unfit for use, and I cannot avoid further to state that upon a careful examination of the whole of the Jetty the same appears to be exceedingly weak so as to cause a well formed apprehension that considerable damage will be occasioned to it, in the approaching Winter Gales, against which I consider it necessary to guard as soon as possible by giving you the above information. I have &c.

(Signed) S. V. CLOETE, Wharfmaster.

To the Collector and Comptroller of Customs.

[Enclosure 3 in the above.]

CUSTOM HOUSE, SIMON'S TOWN, 15 July 1825.

SIR,—I have the honor to acquaint you for the information of His Excellency the Governor that the Wharfmaster of Simons Town has reported the wharf to be in a very decayed state, and that it seems necessary that a survey should be taken in order to state to His Excellency the nature of the repairs which may be required in the Spring, to ensure the safety thereof. I have &c.

(Signed) W. WILBERFORCE BIRD,
Comptroller of Customs.

Sir Richard Plasket, Secretary to Government.

[Enclosure 4 in the above.]

CUSTOM HOUSE, CAPE TOWN, 7 *September* 1825.

SIR,—I have the honor of forwarding to you for the information of His Excellency the Governor a Letter transmitted to this office by the Wharfmaster from Mr. Merrington, Secretary to a Body calling itself the Committee of the Commercial Hall.

It may possibly be in your recollection that a letter was written from this office on the 17th of last May, in which the necessity of some repair to the wharf was submitted, but, if the volunteer inspection which Mr. Merrington relates to have taken place, rests on anything like correctness, the matter may appear to be entitled to the early consideration of His Excellency. I have &c.

(Signed) W. WILBERFORCE BIRD,
Comptroller of Customs.

Sir Richard Plasket, Secretary to Government.

[Enclosure 5 in the above.]

COMMERCIAL EXCHANGE, 31 *August* 1825.

SIR,—I am directed by the Committee of the Commercial Exchange to inform you, that having been requested by many of the Merchants to represent the present dangerous state of the wharf, they have with the assistance of persons whom they deemed competent Judges inspected the same, and find that out of Two Hundred and Six piles there are not more than Fifty Three in a sound state, the rest are greatly decayed at, and a little below the low water mark, having apparently been eaten away by Insects, the principal part of the Supporters have become rotten from the same cause.

The steps on the Eastern side have become quite loose from the same cause, and those on the Western side will, if not attended to, shortly become so.

The whole of the cranes are in a bad state, and unsafe for landing heavy goods in consequence of the decayed state of the Iron and Timber, and the Committee would suggest that

instead of repairing them, they should be taken down and replaced with swinging Cranes. The tackle falls and the slings being of one size are insufficient, being too large for some and too small for other purposes, they should at least be of three different sizes.

The bells projecting from the piles are extremely dangerous to the Boats, and it appears they have repeatedly sustained great damage from them.

The Committee in requesting your earliest attention to a subject of so much importance to the trade, beg further to remark that Boats ought not to be allowed to be at the steps except when actually employed, as great inconvenience and delay frequently arises from the difficulty of getting them in and out when required on emergencies, and also to suggest the necessity of building a Shed near the wharf for the purpose of stowing Goods in case of bad weather. I have &c.

(Signed) J. S. MERRINGTON, Secretary.

To S. V. Cloete, Esqre., Wharfmaster.

[Enclosure 6 in the above.]

CUSTOM HOUSE, CAPE TOWN, 4th November 1825.

SIR,—We have the honor to enclose to you for the information of His Excellency the Governor a representation of the dangerous state of the public Wharf made to us by the Wharfmaster. We have &c.

(Signed) CHARLES BLAIR, Collector of Customs,
W. WILBERFORCE BIRD, Comptroller of Customs.

Sir Richard Plasket, Secretary to Government.

[Enclosure 7 in the above.]

WHARFMASTER'S OFFICE, 4th November 1825.

GENTLEMEN,—According to my instructions I beg leave to acquaint you that the public Wharf at this place has lately become so defective as to require immediate repair, and I have therefore to request that you will be so kind as to cause the

necessary Inspection to be made of it, in order that these defects may be made good as soon as circumstances will admit, and to prevent the inconvenience which the public will otherwise unavoidably be put to. I have &c.

(Signed) S. V. CLOETE, Wharfmaster.

His Majesty's Collector and Comptroller of Customs.

[Enclosure 8 in the above.]

CAPE TOWN, 15th November 1825.

SIR,—I have the honor to submit to you for the consideration of His Excellency the Governor, an Estimate of the quantity and dimensions of the Materials required for renewing the Wharfs at Cape Town and Simon's Town, accompanied by an elevation, with Plans and Sections of the Iron work required from England. I have &c.

(Signed) F. HOPE, Superintendant of Works and
Buildings.

Sir R. Plasket.

[It cannot be necessary to give all the details of materials and the plans that are enclosed in this letter.—G. M. T.]

[Copy.]

Ordinance of His Excellency the Governor in Council, for opening the Trade in Cattle with the Caffre Tribes, at the Fair established by Government at Fort Willshire, and at such other Fairs as may hereafter be established by Government for that purpose.

Whereas it has been found from experience that the temporary prohibition of Barter in Cattle, between the Colonists and the Caffre Tribes, at the Fair established at Fort Willshire, as contained in His Excellency the Governor's Proclamation of the 23rd July, 1824, has occasioned constant Smuggling in that Article, and has been attended with the most pernicious consequences to the Peace and Tranquillity of the Frontier :

Be it therefore hereby enacted, that so much of the Proclamation of July 23rd, 1824, as contains the aforesaid temporary prohibition of Barter in Cattle, shall be, and the same is, hereby repealed : And be it further enacted and declared, that the Colonists who are or may be Licensed to Traffic with the Caffre Tribes, at the Fair established at Fort Willshire, or at such other Fairs as may hereafter be established on the Frontier for that purpose, shall be henceforth allowed to carry on a Trade in Cattle with the Caffre Tribes, under the Regulations laid down for such Fairs.

The general prohibition to all Persons not Licensed as aforesaid, and at all Times and Places not excepted in the Proclamation of the 23rd July, 1824, or in other Laws or Proclamations, remaining in their full force.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope, this 17th day of November, 1825.

By command of His Excellency the Governor.

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council.

(Signed) D. M. PERCEVAL, Clerk of the Council.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to G. HARRISON, ESQRE.

DOWNING STREET, 17 November 1825.

SIR,—With reference to your letters of the 10th and 20th December of last year enclosing Memorials from Mr. Launcelot Cooke complaining among other things of the conduct of the Collector of Customs at the Cape of Good Hope in regard to that officer's proceedings towards him in the case of Jean Ellé, an indentured negro, and imputing generally to the Collector various corrupt practices in the disposal of condemned Negroes,

I am directed by his Lordship to return to you the Memorials in question, together with a report which has been received from His Majesty's Commissioners of Enquiry of the result of their investigation into the conduct of the Comptroller as well as of the Collector of Customs at the Cape in matters touching the disposal of prize negroes ; and I am to desire that you will lay the Commissioners' report, together with the volume of papers annexed to it, before the Lords Commissioners of His Majesty's Treasury. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. D. P. FRANCIS.

DOWNING STREET, 18 November 1825.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 11th instant.

As you do not appear to have received my letter of the 9th instant, I enclose a copy of it for your information ; and I have to add that I shall be ready to receive you on my return to town in the course of the ensuing Week. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the RECEIVER GENERAL to SIR RICHARD PLASKET.

RECEIVER-GENERAL'S OFFICE, 18th November 1825.

SIR,—I have the honour to enclose for his Excellency the Governor's information, a statement of the different issues made from the treasury previous to his Lordship's return from England on the 30th of November 1821, without receiving regular warrants for the same at the time the respective issues were made. I have &c.

(Signed) J. W. STOLL, Recr. General.

Statement of the different Issues made from the Treasury previous to the return of His Excellency the RIGHT HONOURABLE GENERAL LORD CHARLES SOMERSET, from England, on the 30th November 1821, without regular Warrants having been granted at the time the respective Payments were made.

Date.	Nature of the Service to which it was appropriated.	To whom Advanced.	Amount.	On what Authority.	Remarks.
1821.					
July 10	Repair of the wharf	H. Rivers, Esq. wharf-master	Rds. 2,000 0 Sks. 0	By verbal order of the Colonial Secretary, in the name of his Excellency the Acting Governor.	Covered by his Excellency's warrant, dated 23rd December 1823.
Aug. 13	A vessel for the Cowie	Waldegrave, shipwright	1,000 0	By order of the Assistant Secretary, in the name of the Colonial Secretary.	From the insolvent estate of Waldegrave, the sum of Rds. 226 $\frac{1}{2}$ ⁹ ₃₄ was recovered, and the balance Rds. 773 $\frac{5}{24}$ charged against government.
" 20	Repair of the wharf	H. Rivers, Esq. wharf-master	1,000 0	By verbal order of the Colonial Secretary, in the name of his Excellency the Acting Governor.	Covered by his Excellency's warrant, dated 23rd December 1823.
Sept. 10	Ditto	Ditto	1,000 0	Ditto	Ditto.
" 21	Ditto	Ditto	1,000 0	Ditto	Ditto.
" 25	Public Buildings at Bathurst	Commissariat Department	4,000 0	Ditto	Ditto, dated 6th Aug. 1822.
" 29	Lighthouse	H. Schutte, mason	6,000 0	Ditto	Ditto, 13th Jan. 1824.
" —	Buildings at Saldanha Bay	Landrost of the Cape District	8,767 3	Ditto	Ditto, temporary warrant.
Nov. 1	Public Buildings at Bathurst	Commissariat Department	3,000 0	Ditto	Repaid by the Colonial Paymaster on the 23rd September 1825.
" 9	Repair of the wharf	H. Rivers, Esq. wharf-master	1,000 0	Ditto	Covered by his Excellency's Warrant, dated 23rd December 1825.
" 26	Ditto	Ditto	1,000 0	Ditto	Ditto.
		Rixdollars	29,767 3		

[Original.]

Letter from LORD CHARLES SOMERSET to, EARL BATHURST.

CAPE OF GOOD HOPE, 19 November 1825.

MY LORD,—I have the honor to transmit to Your Lordship the enclosed receipt from the Officer at the Head of the Commissariat on this Station for Eight Hundred and Seventy Seven Pounds, Eight Shillings and Nine Pence Sterling, being the Interest due, up to the 4th of February 1825, according to the accompanying statement, on Thirty five thousand, and ninety seven Pounds, Ten Shillings and Seven pence Sterling, the Sum drawn at the periods therein specified, on the Lords Commissioners of His Majesty's Treasury, agreeably to your Lordship's authority to that effect dated 15th November 1822.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 19th November 1825.

MY LORD,—By the accompanying Extracts of Letters from the Commandant of the Frontier, Your Lordship will perceive that the Kaffers have been very troublesome of late, and that there is some reason to suppose that one of the Chiefs has gone so far as to set Spies to watch the movements of Captain Campbell, a Gentleman who came out with a party of Settlers, and who resides in the neighbourhood of Graham's Town ; with the view of murdering him, on the plea that one of the Sons of that Chief had been killed in a rencontre between the Kaffers and a Detachment of the Cape Cavalry sent to recover some Cattle which had been stolen from Capt. Campbell.

The constant illicit Traffick, which takes place between the Kaffers and some of the worst description of the Settlers located near the Frontier, and the frequent Incursions which the Kaffers make to plunder Cattle, in order to enable them to

carry on such illicit Traffick, have long since given me much uneasiness, as the recovery of such Cattle by the Military must lead at times to bloodshed, by which a Spirit of revenge is always kept up.

I therefore came to the determination to submit to Council the propriety of opening the Trade in Cattle at the Fairs appointed to be held on the Border, particularly as the Commandant of the Frontier and the Landdrost of the Albany district had lately urged it with me (as per annexed letter) as the measure the most likely to be effectual in checking the present Evils. It will enable the Chiefs to sell their own Produce, and will tend more effectually to the discovery of any Cattle that may have been stolen, should such be exposed for Sale.

I trust this measure will in a great degree, if not entirely, put a stop to the illicit Traffick on the other parts of the Frontier, and I have caused the practice of marking the Cattle to be again urgently recommended to the Inhabitants.

I have the honor to enclose for Your Lordship's approbation, the Ordinance on this subject which was passed in Council, and have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Extracts of two Letters from Lieut. Colonel Somerset to Lord Charles Somerset dated the 1st and 7th November 1825.

The constant petty Thefts of the Kaffers with the Determination on the part of some of them to murder Captain Campbell (by what Chief employed I cannot ascertain) gives me so much trouble and employment that I have scarcely time to write you a line. I am but just returned from beating the Bush with 100 men last night, but without success. Three Kaffers have laid in ambush for Capt. Campbell for some time and they have twice rushed out on Individuals whom they took for him. Sunday Evening they watched him out, fortunately he returned by a different Path, but his Servant returned by the same path that Captain Campbell had gone out. When within Three Hundred yards of the House three Kaffers sprang out, the man

was mounted and galloped off. An assagai was thrown that struck the Horse. All this is very perplexing, but the Bush or rather the Forest is so thick that the power of man cannot get them out. The Kaffers are committing other Depredations, and although my Patroles invariably recover the Cattle, still it is very vexing. The dreadful manner in which some of the Settlers are leagued with the Kaffers in order that they may carry on the illicit Trade in Cattle has induced me to beg I may be authorised to allow a free Trade in Cattle entirely. Cattle are brought in at night by Kaffers to these Traders and as the Kaffers return they sweep up the Country of all they find, take them into the Kloofs, skin them and take the hides to the Fair, and these Traffickers keep watch for them so that the Patroles can scarcely ever detect them. The free Trade in Cattle will be the best plan, after the first Influx is over. These beast Fairs can be periodical, say once a month. I have been on Horseback the whole Week and am very much harassed and have only written a few lines officially respecting the free Trade in Cattle. Major Dundas says he entirely agrees with me.

I returned yesterday from Fort Willshire, where I had desired Gaika to meet me, in order to impress upon him and his Chiefs the necessity of their keeping their Tribes in order, but I could not bring them to any point further than impressing upon them that if any misfortune happened to Captain Campbell I would visit it on the Kaffers themselves, and this they promised to bear in mind but nothing further. From what I can hear the Kaffers are aware of having transgressed and are expecting to get into difficulties with us, but still they shew no inclination to behave better. I attribute the whole of the present irregular conduct of the Kaffers to their connection with the trafficking Settlers, whom they see all day practising every kind of Deceit and they wonder what we are about to permit it. The Intercourse of illicit Traffickers with the Kaffers has been of serious Injury to the Colony, and I assure you if half measures are pursued with the Kaffers, their cunning is now such, and they are so well aware of their own strength, that you will lose the Frontier. It occupies my thoughts constantly.

[Enclosure 2 in the above.]

GRAHAM'S TOWN, *November 1st 1825.*

SIR,—Having ascertained that a very considerable trade in Cattle is carried on by some of the Settlers with the Kaffers, I have considered that it would be better to permit a general trade in Cattle to be held at the several Fairs, as it would immediately check this illicit Trade.

The Kaffers get from these Traders every information of the movements of my Patroles, and this kind of understanding between these Individuals and the Kaffers materially interferes with my Military arrangements for the defence of the Frontier. I beg to add that the Landdrost entirely agrees with me in this suggestion. I have &c.

(Signed) H. SOMERSET,
Lt. Col. Commanding Frontier.

Sir Richard Plasket, Secretary to Government.

[Enclosure 3 in the above.]

Extract of a Letter from the Landdrost of Albany to the Secretary to Government, dated October 25th 1825.

The new fair is held this week for the first time, I fear Cattle Smuggling with the Caffres has begun again; nothing will prevent this Trade but an open Trade for Cattle with those people; it will be better far than the Trade for Hides. The marauding Caffres now drive Cattle to the nearest Bush and carry off the Skins at their leisure; whereas were Cattle marketable, there would be a greater chance of recovering those stolen. I think that an order should be given, that no Skins be bought at the Fair, without being previously examined, to see whether they be marked; hundreds are now brought to Graham's Town, which show plainly to whom they had belonged.

Viewing the free Trade for Cattle in every point, there is nothing that can be argued against it; it will increase the spirit of trade among the Caffres, it will prevent smuggling and thieving, and it will give a greater return to them than at

present ; for a Caffre now gets as much for the skin of an Ox, as he considers the whole beast to be worth.

This opinion is general among the better informed of the Caffre Traders. I am well aware that the Trade was tried some time since, and from the circumstances of the times being different, it was considered to have had an evil tendency ; but I am sure it will now be otherwise.

[Copy.]

Letter from R. W. HAY, ESQRE., to GEORGE HARRISON, ESQRE.

DOWNING STREET, 19th November 1825.

SIR,—I am directed by the Earl Bathurst to transmit to you a copy of a dispatch which has been received from Lord Charles Somerset, enclosing a Memorial from Mr. Thomas Rowles, which prays relief in consideration of the losses sustained by the Memorialist in consequence of the Ordinance which the Governor has been directed to issue, with a view to the introduction of the system of British currency into the Cape of Good Hope ; and I am to desire that you will lay these papers before the Lords Commissioners of His Majesty's Treasury, for their Lordships' consideration. I am &c.

(Signed) R. W. HAY.

[Copy.]

*Letter from COMMODORE CHRISTIAN to LORD CHARLES
SOMERSET.*

Owen Glendower, SIMON'S BAY, 19th November 1825.

MY LORD,—I beg leave to represent to your Excellency in Council that all British Seamen are placed by certain Acts of the British Legislature under one system of law, and Special Acts give authority to the King's Courts at the different Presidencies in India to try Seamen for all offences according to Law, but as the Admiralty Statutes make no mention of

this Colony, I am of opinion your Excellency's Proclamation subjecting British Seamen to the Dutch Law is at variance with the principles of Marine laws and a violation of the British constitution. There being a Vice Admiral and a Vice Admiralty Court here, I apprehend to be the reason why no special Act has ever passed the British Legislature authorising the Courts of Justice to try offences committed below low water mark and on the high Seas in this Colony, as is specially provided to enable His Majesty's Courts in the different Presidencies in India (where there are no Vice Admiralty Courts) to take cognizance of such offences, as several cases have occurred since my arrival which I deem illegally decided upon by the local Tribunal for offences committed on the High Seas and below low water mark, and as the interference of His Majesty's officers of the Navy is constantly called for, I pray your Lordship will be pleased to instruct me the course I am to pursue in all such cases, and by what law and by what process Mutineers can be legally proceeded against, and whether your Lordship is pleased to deny the right I assume to act as a Magistrate afloat and to originate matter to be laid before you as Vice Admiral with the view of being brought regularly before the Vice Admiralty Court in Cape Town.

I have &c.

(Signed) HOOD H. CHRISTIAN, Commodore.

[Copy.]

Letter from COMMODORE CHRISTIAN to W. C. VAN RYNEVELD,
ESQRE., *Superintendent of Police.*

Owen Glendower, SIMON'S BAY, 19th November 1825.

SIR,—I have to request you will be pleased to inform me if you have had any communication with Captain Owen of His Majesty's Ship *Leven*, in regard to certain men—John West, John McCarthy, Henry Reeves, Patrick Cogan, Thomas Donovan, John Jordan, John Mehan, Daniel Bourke, Dennis Mullins, Hugh Montgomery, James Madden, Daniel Lee, Peter Ross, and Thomas Charles Levis—who desired to enter into

His Majesty's Service and who were claimed by Mr. Ingram as his articed Servants, subsequent to my order of Sunday last, desiring them to be given up to legal authority, as Captain Owen has informed me that he landed all the men in question. I desire to know, if he has placed the men named in your custody, and beg to inform you that I have addressed his Excellency the Governor in Council, requesting they may be examined and the whole case enquired into, therefore I must consider you responsible for their appearance should the ends of Justice seem to require an appeal to the Tribunals at home by the Vice Admiral declining to issue Orders to the Vice Admiralty Court to take cognizance of the matter in this Colony. I have &c.

(Signed) HOOD H. CHRISTIAN, Commodore.

[Copy.]

Letter from COMMODORE CHRISTIAN *to* LORD CHARLES
SOMERSET.

Owen Glendower, SIMON'S BAY, 19 November 1825.

MY LORD,—I have the honor to submit to your Excellency that certain British born subjects claimed the right of entering into His Majesty's Naval Service. Captain Owen received the men in question, and has represented to me that they are illegally and unwarrantably claimed by the Colonial Court as Mr. Ingram's articed Servants. I submit their names and cases to your Lordship together with a Copy of a letter addressed by me to the Superintendant of Police, in whose Custody I believe the men to be, and pray that your Lordship will direct a proper notice to be served upon this Officer in order to secure the appearance of the men in question. It is my duty to claim the men, and to pray that your Lordship as Vice Admiral will be pleased to direct the Vice Admiralty Court to proceed against Mr. Ingram for a breach of Law committed on the High Seas, in bringing these men to this Colony as set forth in the depositions of the men in question and now laid before your Lordship, unless the Colonial Tribunal should decide, or have decided, that the men are legally bound to

Mr. Ingram, in that case I hope your Lordship will allow me to be furnished with a copy of their decision in order that I may lay the same before My Lords Commissioners of the Admiralty. I have &c.

(Signed) HOOD H. CHRISTIAN, Commodore.

[Copy.]

Statement by COMMODORE CHRISTIAN.

The examinations have taken place, five of them in my presence and two when I was not present, and all of them before Mr. Ingram. They are quite decisive in my judgment that Mr. Ingram did take several people away from their country without their own consent, for his own individual gain and advantage, and that he has by this act rendered himself liable to prosecution in British Courts of Justice, and I have little doubt His Majesty's Ministers will, when they are rightly informed, institute regular proceedings against him, and my intention was immediately to report the case to my Lords of the Admiralty and to retain such persons of those Mr. Ingram has claimed and to whose services he has no legal right, to place them under the protection of their Lordships and to be used as evidences if they should think proper to direct their solicitor to prosecute the cause as being for offences committed on the high seas.

He has not only committed the acts of violence committed, but by menace and art has induced many to sign agreements on the passage which are dated at Cork, and most of those agreements in their terms do not meet his own contract with Government. He has moreover by the 6th Article of the Indenture provided a means for keeping the persons in perpetual bondage should they use any effort to escape out of Iron hands.

I felt it my duty therefore not to replace in his hands any of the persons to whose services he has no legal or admitted title, and for such as had voluntarily subjected themselves to his power to claim the protection of the Colonial Government.

The Persons claimed by Mr. Ingram or on his acts are

1. John West. He states on oath before the Commissioners that he was taken to sea against his own consent, and that he was induced by the menaces and acts of Mr. Ingram to sign an indenture at Sea when not very distant from the Cape, and which is dated as done in Cork.

2. John McCarthy on oath states that he also was taken by force and against his own free will and has never signed any indenture or paper whatever, and is by right free to dispose of his Services as he will.

3. Henry Reeves is a regularly articted Servant, and would have been discharged if Mr. Ingram would have been content to have received his wages in lieu of his personal services, but for whom also I should have felt it my duty to claim the protection of the Colonial Government against the execution of the 6th Article of the said Indenture by referring it to the Committee from the Court of Justice.

4. Patrick Cogan. His case is perfectly similar to that of John West.

5. Thomas Donovan. His case is perfectly similar to that of John McCarthy.

6. John Jordan was a Servant articted to Mr. Ingram, who has been paid for him by his present Master Mr. Christie who has not claimed him.

7. John Mehan, is a case taken against his will similar to that of John McCarthy, and Mr. Ingram claims him by the name of Patrick Mehan, which is not his name.

8. Daniel Bourke was regularly articted, but Mr. Ingram's Contract with Government has not been fulfilled in the Article of his Wages. This case is similar to that of Reeves.

9. Dennis Mullins, now belongs to Mr. Borgan, an Advocate. This man was brought away under a false pretence, as he states that Government was to pay his passage and that he was to be at liberty at the Cape to seek Service for himself, he signed an Indenture at Sea, induced thereto by threats, as in the case of John West. I proposed to act in his case as in that of Reeves.

10. Hugh Montgomery, was also taken against his will, his Services were made over to a Mr. Hammison, with whom he has agreed to serve five years longer ; he was induced to sign

the indenture at Sea, which like the rest is dated in the City of Cork.

11. James Madden, is claimed by the name of John Madden, which is not his name, he was articed to Mr. Ingram, who sold him to John Philip Rhynard, who beat him, and he was brought before the Court, who dismissed him from the service of the said Master and gave him permission to seek a Master for himself, and he has since served Mr. Van Schoor with whom he has no written agreement beyond immediate service for food and raiment and is free to serve whom he will.

12. Daniel Lee, was brought from Cork under the pretence that Government would pay his passage out ; by menace and art he (Ingram) prevailed on Lee to sign Indentures at Sea, which are dated at Cork. Lee was sold to Strahan and Donald for two hundred and thirty Rixdollars, and he has paid for himself about seventy Rixdollars and ninety by fifteen Dollars per month from De Nysser. Lee supposed Strahan and Donald will be satisfied with his wages, which, if the legality of the agreement be admitted, will be allowed.

13. Peter Ross, appears to be an articed Servant to Mr. Ingram, but who has not fulfilled his contract with Government as to his Wages, but for which he Ross has signed.

14. Thomas Charles Levis, gets no Wages, which is contrary to the said Contract with Government ; but he has signed he says two sets of Indentures.

For the last two there has been no claim put in.

I conceive it important to the honor and dignity of His Majesty's Government, which never hesitates to give its protection to his subjects against oppression and violence and which has been compromised by these acts of Mr. Ingram, that the cases numbered 1, 2, 4, 5, 7, 9, and 10 should be retained as evidences, should they be required, and I was prepared on my own responsibility to resist Mr. Ingram's claim to any of them and to hold myself ready to meet his claims in a British Court of Justice whenever he might think proper to prosecute them or me for his losses by this act of mine. At present they are at your disposal.

You will observe, Sir, that I had determined to take no man whose Services were claimed without referring their cases to the Colonial Government, whose interference however is not,

and by itself is, I believe not deemed necessary between Mr. Ingram and the claimants and myself who am ready to resist the aforesaid claims by Law.

(Signed) HOOD H. CHRISTIAN, Commodore.

[Copy.]

Letter from MR. WILLIAM GREIG to R. WILMOT HORTON, ESQRE.

LONDON, 19th November 1825.

SIR,—As the interview with which I was honoured on Monday last, as “agent to Mr. George Greig,” of the Cape of Good Hope, to complain of Lord Somerset’s refusal to comply with the orders of his Majesty’s Government respecting that part of the official arrangement upon which he (Mr. Greig) returned to that colony, namely, the restitution of all the printing type and presses that were “seized and sealed up by order of Lord Somerset until his Majesty’s pleasure was known,” I beg to say that I understood you to inform me “That immediately after the receipt of Mr. Greig’s memorial to Earl Bathurst, orders had been reissued and sent off to Lord Somerset to instantly restore the said printing materials and presses, and that I might depend on the said orders being forthwith carried into effect.”

On my stating “That an official order on that subject having once been disobeyed by Lord Somerset, I could place no reliance that he would *not* act in the same manner again,” I understood you to answer, “That until lately it was not officially known to His Majesty’s Government that the printing materials had been sold.” To this I replied, “That it was within my own knowledge that Earl Bathurst was by Mr. Greig made acquainted with that fact in the course of the negotiation which took place when Mr. Greig was in England.”

Having informed you “That Mr. Greig’s business at the Cape of Good Hope is almost entirely at a stand; that a variety of works which had been waiting his arrival, he was obliged to decline; that no prospect remained but his utter ruin unless immediately assisted with printing materials, and

that my orders were peremptory to send them out if His Majesty's Government refused to do so," you replied, "That His Majesty's Government did not intend sending out any, and that after what you had before stated I must exercise my own discretion on that subject."

Lastly, I mentioned "the great and irreparable loss that Mr. Greig would now inevitably sustain : in the first place, by the loss of the business he had been obliged to decline ; secondly, his rival Mr. Bridekirk, who had been induced by Lord Somerset to occupy his (Mr. Greig's) ground having now an opportunity given him of providing himself with printing materials to meet the possible case of being obliged eventually to give up those claimed by Mr. Greig by order of His Majesty's Government."

In reply to this statement, you informed me "that it would be premature *now* to enter on the subject of the losses Mr. Greig has and may sustain, but that I might depend on this, that proper remuneration will be made to him for any losses experienced by the non-fulfilment of the arrangement entered into between His Majesty's Government and Mr. Greig."

The above, Sir, is I believe the substance of what occurred at the interview with which you honoured me, and I beg to request your acknowledgment of the same in the manner you think best. I have &c.

(Signed) WILLIAM GREIG.

[Original.]

Letter from MR. BISHOP BURNETT to R. W. HAY, ESQRE.

BROWN'S HOTEL, WESTMINSTER, 19th November 1825.

SIR,—I beg to inquire if the report of His Majesty's Commissioners of Inquiry on any part, or the whole of my Case, has been received by your department, and if, in such event I may be permitted to apply for a Copy of such report.

I have also to ask whether Earl Bathurst's objections to my return to the Cape of Good Hope, as stated in your letter of the 12th last July, for the purposes set forth in my request

to that effect, are still in operation, and if not whether I may proceed forthwith to that Settlement.

As I have seven additional charges of corrupt administration to adduce against Lord Charles Somerset in his capacity of Governor of the Cape of Good Hope, the evidence to substantiate which can only be secured by my presence at the Cape, and as I profess to substantiate *none* without such facility being afforded me, may I be excused in calling his Lordship's attention to the inevitable deduction of Parliament and the Public from any further pertinacity in so extraordinary and so invidious a determination. I am &c.

(Signed) B. BURNETT.

[Copy.]

Letter from the Secretary to Government to the Commissioners of Enquiry.

Sunday, November 20, 1825.

MY DEAR SIRS,—I received your letter of the 16th three days ago, but my official duties have prevented my replying to it until this day.

I have now read it over attentively, and am sorry to say it is very far from satisfactory, and I think affords me great reason to complain of the manner in which this Inquiry has been conducted. I am debarred from that information and explanation which Dr. Barry possesses with yourselves, and which alone could enable me to sift to the bottom the falsity of Dr. Barry's statements, at the same time that Dr. Barry by the manner in which he has been allowed to make his complaints, viz. in personal conversation, has now been able to wind up, after being acquainted with everything I have said on the subject, by a written Report widely different from what he first stated, and introducing fresh matter, which in my mind has evidently been inserted from having heard my explanations, and which never appeared in the precise statement which you state he had previously made to you.

It is a very unpleasant thing for me to state to you, on whose

honor and integrity I have the most firm reliance, and in whose hands I would willingly trust my own character (with any other opponent than Dr. Barry), my feeling that you have shewn a partiality towards him. You will not allow that he has deceived you. But it is of little consequence to me whether your judgement has been swayed by the confidence you have in him or by the influence he possesses over you. I will, however, venture to say, and I will appeal to you for the decision, that in no one case that has ever come before you, as Commissioners of Inquiry in this Colony, where the subject in dispute depended upon the ipse dixit of two Individuals in the same class of society, has the same system been followed that you have adopted towards us, viz. that one of the Parties has been called upon to give explanations in writing on particular points as they occurred, while the other Party, (he being a daily Medical Attendant upon one, indeed I may say with reference to family upon both of you), has been allowed to give his evidence in personal conversation, and that such evidence being merely assertion on his part, was considered by you as so precise as to induce you to look upon as erroneous my positive assertion in writing that it was false.

I have also, I think, to complain that while you have pressed so hard upon me my want of memory (which by the bye now appears to be much upon a par with the rest of the Party) you have overlooked very glaring inconsistencies in Dr. Barry's statements, and that you have given very little weight indeed to Mr. Gregory's deposition which completely and specifically confirms my original statement.

I shall, however, notwithstanding, proceed to the best of my ability to counteract Dr. Barry's written declaration. In it he says that on the 19th September he was advised to apply to me for Copies of the sentence of the Commissioners of the Court of Justice (which had been issued against him three days before and cancelled in a few days after it was issued), and for the other Proceedings, and that four or five days after this advice was given he came to me, and on his asking for those Documents to be submitted to you, I said he should be dismissed.

Now in the first letter which you wrote to me, it is stated on

the authority of Dr. Barry that the Interview took place during the investigation of the state of the gaol by the Fiscal, instead of as he now asserts, several days after the sentence had been issued and the proceedings closed.

Dr. Barry further states that by the advice of his friend he thought that it *would be but fair to me* to come and ask for those documents. What this means I cannot understand. He had applied three days before to two friends, Mr. Kekewich and Mr. Bigge, who advised him to address himself to the Governor from whom he got immediate redress. But his new friend advised him to come to me, instead of applying for them officially to the Government, which is rather singular considering Dr. Barry's opinion that I was so hostile to him.

In Dr. Barry's written declaration he states, though he cannot fix upon any of the five days alluded to, that when he did come to me I had a headache, and he states a variety of other minute particulars, with a view to fix my memory to the conversation.

Now Dr. Barry has been rather too anxious to do this. He states that in the same conversation I alluded to his introducing the names of Mr. Kekewich and Mr. Bigge. Now although my memory be not over good, it will authorise me on this point to swear, and I am ready to do it in any Court, that there was a lapse of at least One Month between the conversation I had with Dr. Barry about his dismissal and that which had reference to Mr. Bigge and Mr. Kekewich.

But there is another part of this written declaration which is very important indeed. Dr. Barry (after all the precise statements and distinct explanations made to you of everything that passed in the conversation) now for the first time introduces what he said to me in reply to what I said to him, viz., that in consequence of my threat of dismissal he would more than ever insist upon reporting it to you for your opinion and investigation. Now although I will swear that not a syllable of this kind ever passed Dr. Barry's lips in my presence, and although I don't think our conversation would have finished in a mutual laugh, as he says it did, had he really stated anything of the kind to me, I can, without my own aid I think, pretty clearly set this question at rest.

Dr. Barry is advised by a friend to report this case to the

Commissioners of Inquiry officially (as they knew it before privately). He comes to me for copies of the Proceedings. I tell him he shall be dismissed, if he sends them. He cares not for that, but insists on it the more because I threaten him. Now what is the result of all this ? Dr. Barry does report to the Commissioners within two or three days after this stated Interview with me. But what do the Commissioners do ? They attached no importance to what he said. They retained no recollection of the date or the subject. They took no depositions, and in all probability would never have noticed it, if they had not understood it had become subject of conversation. What then was it, I should be glad to know, that Dr. Barry did report to the Commissioners. Not what he says he stated to me he intended to do. Not what his friend advised him, because if he had done so it would have been the duty of the Commissioners to have done that justice to Dr. Barry which they have done to every Individual in this Colony who has ever demanded their interference. What became then of the so much talked of advice of his friend, and of his pledge to demand investigation. It appears all to have ended in tittle tattle, and from that tittle tattle alone was the subject subsequently brought forward.

There is another question, however, of more serious moment, arising out of the communication which you state in your letter of the 16th Instant to have been made to you by Dr. Barry of the expressions used by me.

In your first letter to me you state it has been currently reported, *as you believe* on the authority of Dr. Barry, that I had made use of an expression to Dr. Barry to the effect that if he submitted a case to you, he would be dismissed from his situation, and as you would be very reluctant to believe that I had done so, in the sense in which it had obtained currency, and as you felt the effect such an expression must have on your public character and station in this Colony, you hastened to communicate it to me, and would, not without anxiety, await the explanation that I might afford.

This letter alludes merely to the expression I had made use of, and to the effect it must have on your character &c., and was dated 31st October.

It now appears, however, that it is perfectly within your

recollection that Dr. Barry communicated to you the expression I had made use of very soon after his Interview with me. This interview, by my account, took place on the 24th or 25th August, by Dr. Barry's account between the 19th and 23rd September, so that taking his statement to be correct, this expression which tended so materially to affect the character and station of yourselves as Commissioners of Inquiry was made known to you by Dr. Barry himself above a month before you addressed me on the subject, and expressed such an anxiety to have my explanation thereon; and that when so made known to you, you did not even deem it worth attending to. It could not, therefore, be the expression itself, as it regarded you, that was of consequence, otherwise you would have noticed it at once; but from what cause it became subsequently of so much importance, I cannot account for, unless indeed from the effect it is supposed to have had on Dr. Barry, as coupled with his removal from Office, or as you state with the manner in which such removal was effected.

Now as Dr. Barry's removal was consequent on the Proceedings before Council, it is rather singular that this expression of mine was never known to Lord Charles nor I believe to any one single Member of Council but myself, until after Dr. Barry's removal. Why the two circumstances should have been coupled together by you I cannot comprehend, because Lord Charles as well as myself had both explained to you before Dr. Barry's removal the causes that had led to it; and Lord Charles was anxious you should as friends of Dr. Barry endeavour to advise him and to shew him the impropriety of his conduct. Indeed so well did Dr. Barry himself know the causes which hastened his removal, that he applied to Council to be heard in explanation of them, but not a syllable did he ever venture to say about my threat of dismissing him being one of the causes.

On this point I cannot help remarking the change that appears to have taken place in your opinion (as stated in your correspondence) relative to the removal of Dr. Barry. The Government minute was dated on the 1st November. In your letter of that date you allude to the *recent retirement* of Dr. Barry. In your second letter of 4th November you allude to the *sudden abolition of his Office*, (although the public letter to

Dr. Barry, stating it to be the Governor's intention to propose to Council to abolish it, was dated the 4th October and it was not abolished till the 1st November) and in your last letter of the 16th Instant you allude to his *dismissal* from Office.

Had Dr. Barry accepted a seat at the new Medical Board, as offered to him, or had he even, without so doing, bowed to the decision of Council as to the expediency in a public view of changing the Medical Establishment, we should have been too happy to have advised with him, and to have conciliated him in every way in making the new arrangement. I recommended him strongly so to do, but I cannot state his reply, because it was made to me under the pledge of secrecy. Instead of taking my advice he threatened to resign all his other situations if the arrangement were carried into effect.

I have stated all these points because I am satisfied that Dr. Barry, who threatens to submit my conduct to Lord Bathurst, can only support himself by the confidence both of you place in him.

As to Dr. Barry's statement of what he said to me about tearing the summons, cutting off the Fiscal's Ears, it is very true he did mention these facts, and probably he may recollect I more than once told him, if he were not more cautious as to his expressions, he would certainly get into a scrape. He has, however jumbled into one conversation almost everything he ever said to me since I have been in the Colony. As to his idea that these expressions should not be noticed by me, while he is himself making part of the same conversation (as he asserts) subject of complaint to Lord Bathurst against me, it is really too ridiculous to notice, although I am not surprised at his wishing them sunk in oblivion.

I shall now conclude this unpleasant correspondence, and which has entirely been forced upon me, by assuring you that I never intended for one moment to suppose that your not agreeing with me as to Dr. Barry's having deceived you was to prevent a continuance of the cordial understanding which had hitherto existed between us. I only alluded to my conviction on that head as an apology for troubling you for such detailed explanation, and if you refer to my letter, I think I have so expressed myself. I remain &c.

(Signed) RICHD. PLASKET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. D. P. FRANCIS.

DOWNING STREET, 21st November 1825.

SIR,—I have to acknowledge the receipt of your letter of the 16th instant and to acquaint you in reply that of the persons whose names are enumerated by you, two, viz. Messrs. Knobel and Swan, appear to have been examined by His Majesty's Commissioners of Enquiry respecting your claims. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the Commissioners of Enquiry to the Governor in Council.

CAPE TOWN, 21 November 1825.

MY LORD,—Being at present engaged in an enquiry into the nature and exercise of the supreme medical Authority in this Colony, as constituted by your Lordship's proclamation of the 20th September 1823 as well as in the consideration of the measures that it may become our duty to recommend to His Majesty's Government for the purpose of effecting as near an assimilation as circumstances may permit of the system of medical superintendence in this Colony to that which prevails in England, we have the honor to request that we may be furnished with copies of all, or any documents and correspondence that may have been submitted to the consideration of Your Excellency in Council, upon which the removal of the late Medical Inspector was resolved and the "abolition" of his office as announced in a Government minute, and the appointment of a Committee of Medical Inspection in another minute of the same date were declared.

Having also in a recent report that we had occasion to address to Earl Bathurst upon a subject nearly connected with the state of the Frontier and the intercourse of the Inhabitants with the Kaffer Tribes expressed our concurrence in the

expediency of continuing the restriction upon the barter of cattle, and having observed by the Ordinance of Your Excellency in Council under date the 17th Instant that such barter is now permitted, we have the honor to request that we may be furnished with a Copy or Copies of any Memorial or information, by which the determination of Your Excellency in Council upon the subject may have been guided.

We have &c.

(Signed) JOHN THOMAS BIGGE,
 WILLIAM M. G. COLEBROOKE.

[Copy.]

Letter from the Commissioners of Enquiry to the Secretary to Government.

Monday, November 21, 1825.

MY DEAR SIR,—We hasten to assure you of our earnest wish to put an end to the correspondence that has taken place between us on the subject of the conversation that passed between Dr. Barry and yourself, and for that reason we shall forbear all comment or observation upon those passages in your letter of yesterday in which you have drawn inferences to which it certainly was our hope that we should not have been exposed in the consideration of any litigated question that came before us.

We now only beg to remind you that the Expression imputed to you did not seem to us to acquire importance, and was, therefore, not noticed until it had become the subject of public observation by the retirement of Dr. Barry from Office, and was likely (as we had reason to think that it might) to tend to your and our Prejudice elsewhere.

As to the difference in the expressions we used respecting the retirement and removal of Dr. Barry, we beg to observe that we considered his declining to act any longer in the Colonial Medical Department upon the terms that were offered to him, as a retirement from the Office; and as the Public have in no shape been made acquainted with the grounds of expediency

upon which an Office that had been declared to be necessary by Proclamation in 1823 was abolished by a minute of Government in 1825, we thought that we were justified in concluding that the reported ground of Dr. Barry's dismissal would be strengthened in the public mind by the very abrupt and laconic declaration of the Minute.

As you appear to be under an impression that we have afforded Dr. Barry an undue advantage by communications we have made to him in the course of this correspondence, we think it right to inform you that in obtaining his explanations we have made no disclosures whatever to him of those we have received from you, and while you have attributed to us a bias in the consideration of the question, we are induced to think that Dr. Barry has also a persuasion that we have not adopted his account of what had passed.

In the earnest hope that all correspondence upon this unfortunate subject or those that have been mixed up with it is now to terminate, we beg to remain &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Copy.]

Letter from SIR RICHARD PLASKET to the RECEIVER GENERAL.

COLONIAL OFFICE, 21st November 1825.

SIR,—I have to acknowledge the receipt of the statement of the different issues made from the treasury without regular warrants having been granted therefor, called for by the letter from the assistant secretary to government of the 5th instant; but as it is important to ascertain specifically precisely *when* the practice of issues of that nature commenced, I am to request that you will state whether the issue of 2,000 Rds. on the 10th July 1821 for the repair of the wharf, was the first that was made without a regular warrant, since your appointment as receiver-general. I have &c.

(Signed) RICHARD PLASKET, Secy. to Govt.

[Copy.]

Letter from LORD CHARLES SOMERSET to the COMMISSIONERS OF ENQUIRY.

NEWLANDS, 22nd November 1825.

GENTLEMEN,—I had the honor to receive and to submit to Council the letter which you addressed to me under date the 21st Instant, and I have now to transmit to you copy of the Proceedings of Council, by which you will perceive that all the Documents required by you will be furnished without delay.

I deem it necessary also for your information upon the points alluded to in your Letter, to annex copies of two Despatches, which I have lately addressed to Earl Bathurst, with their Enclosures, one relative to the late change in the Medical Department, the other connected with the opening of the Trade in Cattle at the Fairs established on the Frontier.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

P.S. The Enclosures will be forwarded to you as soon as copies thereof can be made, they being very voluminous.

[Copy.]

Letter from the Fiscal to the Commissioners of Enquiry.

FISCAL'S OFFICE, 22nd November 1825.

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of this day's date, requesting my early information on the questions therein proposed to me, namely ; first, by what reasons I have been induced to exhibit to the Court of Justice, in my proceedings instituted against Mr. Bishop Burnett, a letter from the colonial secretary, conveying to me his Excellency's desire that I would institute proceedings against Mr. Bishop Burnett for defaming the Commissioners of Circuit ; second, whether I had any interview with his Excel-

lency the Governor, or the chief secretary to the government, previous to my receipt of the letter before mentioned ; and, thirdly, whether I admit or deny having repeatedly declared, during the course of the prosecution, that had my advice been followed it would long since have been abandoned as wholly unwarranted by the laws ; and, in compliance with your desire, I have the honour to reply to the first question, that independent of all other reasons which may have induced me to lay before the Court of Justice the direct information which I received from the colonial secretary, it has been always customary in cases where the prosecution has originated in an official information, or order received from government, to exhibit such information or order to the Court of Justice.

I take this opportunity to observe, that in my prosecution I did not strictly follow the wording of the letter ; for that I have prosecuted Mr. Bishop Burnett for *libel*, knowing that the defamation which is committed by writing, or the *injuria scripta* of the Roman law, often is comprised in the general signification of the term *libel*, as in the inscription of the title of the Roman pandects, *De Injuriis et famosis Libellis*.

To your second question I have the honour to reply, that I cannot bring to my recollection any interview which, previous to my receipt of the letter before mentioned, I should have had on the subject thereof, with his Excellency the Governor, or the chief secretary to government ; and to your third question, I must beg leave to reply in the negative. The reason which prevented me to rejoin to the allegations of Mr. Burnett's defence is obvious ; because, according to the Crown Trial Process, Articles 48, 58, & 60, after the defence of the accused persons, the proceedings are immediately closed. Perhaps I might have obtained the Court's permission to rejoin ; but as I thought my character too well established in the Court to require my personal defence against the imputation of duplicity, laid to my charge by a person under trial for defamation, I did not even make an application to the Court for such permission. I have &c.

(Signed) D. DENYSSEN.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 23rd November 1825.

SIR,—Having laid before the Earl Bathurst your letter of the 21st instant, I am directed by his Lordship to acquaint you in reply that it is indispensably necessary that all the printing materials which you have been directed to provide for the Cape Government should be sent out *together* and with the least possible delay ; and with respect to those articles which cannot possibly be sent with the supply, you will send a detailed List of them to the Colonial Government, and specify the time at which you shall have reason to expect that it will be in your power to forward them ; and you will acquaint his Lordship from time to time with the progress of the arrangements which you shall make for the execution of this service. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. THOMAS SKIN.

DOWNING STREET, 23 November 1825.

SIR,—I have to acknowledge the receipt of your letter of the 17th instant and to acquaint you in reply that there are no means at the disposal of this office by which parcels might be forwarded to the Settlers at the Cape of Good Hope. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from the SECRETARY TO GOVERNMENT to R. WILMOT HORTON, ESQRE.

CAPE OF GOOD HOPE, 23rd November 1825.

MY DEAR SIR,—I regret to be obliged to trouble Lord Bathurst with the accompanying correspondence that has

taken place between the Commissioners of Enquiry and myself.

It has been a very unpleasant one to me, but was entirely forced upon me, and I most heartily concurred with them when they expressed an earnest wish that it should close.

I do not think they have behaved fairly or candidly to me, but as they have themselves requested it should be dropped, I only submit it to Earl Bathurst under the idea that Dr. Barry may make a remonstrance to His Lordship on his recent removal from the office of Colonial Medical Inspector.

Since my arrival in this Colony I have acted more like a colleague than anything else to the Commissioners of Enquiry. I was well aware of the necessity of reform here, and entered heartily into all their duties, and gave them every information and explanation in my power, and they were equally cordial though not quite so confidential with me, but Dr. Barry has exercised an influence over both of them, which is but too visible in the accompanying correspondence, and which is regretted by all the best friends and well wishers of the Commissioners.

I am about to draw up a statement of the motives which induced me to remonstrate against Dr. Barry's conduct, and to recommend to Lord Charles the re-establishment of the Supreme Medical Committee, for Earl Bathurst's information, and I can assure you that the re-establishment of the Medical Committee has been one of the most popular acts that have been adopted since my arrival in the Colony. I have &c.

(Signed) RICHD. PLASKET.

[Copy.]

Letter from the Judge of the Vice Admiralty Court to the Secretary to Government.

CAPE TOWN, November 24th 1825.

SIR,—In reference to your letter of the 23rd Instant I beg to communicate to His Excellency the Governor the following opinions :

The Court of Vice Admiralty has Jurisdiction over *all Civil Offences* committed afloat; but no Commission of Piracy existing in this Colony, all *Criminal Offences* so committed ought to be tried by Commissioners of Oyer and Terminer at the Admiralty Sessions held at the Old Bailey twice a year; and mutineers are invariably sent home to be tried at such Sessions.

The Local Tribunals have no *exclusive Jurisdiction* over any offences committed afloat; but in all seizures made by the Officers of Customs, the Principal Colonial Court hath a *Concurrent Jurisdiction* with the Vice Admiralty Court. His Majesty's Fiscals however have invariably usurped a Right of *Prevention* in such cases, to the exclusion of the Vice Admiralty Court, under the 5th article of the Instructions for the Collector of His Majesty's Customs, dated February 18, 1808, and the Court of Justice has continued to exercise a pretended right to *exclusive jurisdiction* founded on the 60th Article of the Dutch Provisional Instructions to that Court. But this Point, so long disputed, was finally settled by Earl Bathurst's Letter addressed to His Excellency under date 18th September 1821. I have &c.

(Signed) GEO. KEKEWICH.

[Copy.]

Letter from the RECEIVER-GENERAL to SIR RICHARD PLASKET.

RECEIVER GENERAL'S OFFICE, 24th November 1825.

SIR,—In answer to your letter of the 21st instant, I have the honour to state for the information of his Excellency the Governor, that the sum of 2,000 Rds. advanced from the treasury on the 10th of July 1821 for the repair of the wharf, was the first issue made from the treasury without a regular warrant, since my appointment as receiver-general, viz. the 9th of April 1819. I have &c.

(Signed) J. W. STOLL, Receiver General.

[Copy.]

*Letter from LORD CHARLES SOMERSET to the COMMISSIONERS
OF ENQUIRY.*

GOVERNMENT HOUSE, CAPE TOWN, *November 25th, 1825.*

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of the 28th ultimo, transmitting to me an extract from interrogatories proposed by you to, and replies from Lieutenant-Colonel Bird, dated Cape Town, 21st April 1825, and to express to you my best thanks for the communication.

I certainly perused with some degree of surprise Lieutenant-Colonel Bird's reply to the 26th interrogatory; "Whether it had been customary to make advances on account, during the progress of public works, and before the accounts could be made out and audited?"

As Lieutenant-Colonel Bird asserts that he cannot state when the practice (pernicious and illegal as he terms it) first began, I called upon the receiver-general (having a strong persuasion that it did not originate with me) to state if any sums, and what sums, and under what authority, had been issued in that manner, previous to my return from England on the 30th November 1821, and also to state when the first issue of that nature was made.

By a reference to the enclosures, you will perceive that various issues to the amount of nearly 30,000 Rds. were made previous to my return here by *Lieutenant-Colonel Bird's own order*, and that the system entirely originated with him during my absence from the government.

I now beg leave to add, that I never authorized the issue of any sum without a regular warrant, except for two particular services; the one was in consequence of having discovered by chance that a tradesman in Cape Town (Durham), who was the contractor for rebuilding Newlands, and who was making good his contract at Newlands, was charging ten per cent upon the amount of the wages of artificers and labourers employed under the inspector of buildings on account of government, in repairing the outbuildings at Newlands, which were in a state of extreme dilapidation. I was indignant at this, con-

sidering it little better than a fraud upon government, and was informed that the men would not work unless paid monthly (as Durham's men were), and that government payments being only made quarterly, that mode had been adopted in consequence of Mr. Durham offering to advance the money every month when he paid his own men. I may here remark, that an arrangement of this kind might as well have been ascertained by the colonial secretary. I was however by no means satisfied, and would not sanction such a proceeding, when it was suggested to me that it might be obviated if I would adopt the same plan as had been followed at Colonel Bird's suggestion, when the wharf was repaired under the same inspector of buildings, of authorizing the receiver-general to issue a sum sufficient to cover the monthly wages of workmen employed under the inspector. I therefore directed my household aide-de-camp (Captain Hare) to write the letter of which the enclosure, No. 5, is a copy.

The other instance was in the repairs of the roads and nineteen bridges in the vicinity of the cantonment of Wynberg, after they had been destroyed by the violent winter of 1822. This was effected by military labourers, and it was hoped at first that the tolls of the main road would be equal to the expenditure ; but so much damage had been done everywhere that the tolls were exceeded, and the landdrost, who had the charge and superintendence of the road, proposed to me that the same plan as was adopted in the repairs of the wharf should be again followed, as the most convenient manner of providing for the monthly pay of the labourers.

Upon no other occasion, nor for any other service, have I ever authorized the issue of any sum without a regular warrant ; and it certainly does appear rather remarkable that Lieutenant-Colonel Bird should warn the receiver-general of the danger he was exposed to by complying with a system created entirely by himself, and that he should characterize a practice originating with him by the epithets he has applied to it ; and still more so, that he should go so far as to assert that the fear of being turned out of office by me alone prevented the receiver-general from protesting against such an arrangement. I will boldly appeal to every officer under this government, whether any part of my conduct ever justified such an imputation.

It appears also somewhat extraordinary that the colonial secretary should frequently express his disapprobation of a government measure to a subordinate officer of the government, and be totally silent on the subject to the Governor.

With regard to the repairs of the cottage in the government garden, which is in every respect an appendage to the government house, and was always by my predecessors appropriated to the occupation of their personal staff, I consulted Lieutenant-Colonel Bird on the expediency of repairing it, or letting it fall down ; and I can positively say, that he *recommended* its repair as an appendage to the government house, and that he took much interest in the progress of the repair ; in elucidation of which, I particularly remember his showing me, and expressing his approbation of, some shingles which the inspector of buildings had had prepared out of some of the old timber from the wharf, and Colonel Bird recommended it for the covering of the roof of the cottage, and it was accordingly adopted.

One of the principal reasons that induced me to decide on repairing the cottage, was its immediate contiguity to the public offices, and that should our establishment increase, it would be the only building that could be available to augment the accommodation for public offices ; and since the establishment of a council, it has been appropriated for a council room and council office, and has saved the rent of a house for that purpose, infinitely larger than the amount of the interest of the money laid out upon the repairs of it.

Relative to the subject on which Lieutenant-Colonel Bird imputes great irritation to me, I must deny any irritation on my part, or of the cause to which he attributes the irritation he asserts. I expressed my disapprobation certainly ; but it was because he had taken the liberty of using my name without my knowledge, a liberty I think no circumstance can warrant.

I have now only to add, that the employment of Mr. W. O. Jones did not originate with me. When I returned from England I found him superintending the repairs of the wharf, and doing the duty of inspector of government buildings, the inspector having had a long leave of absence from the acting Governor. Lieutenant-Colonel Bird informed me, that Mr. W. O. Jones brought out a letter from Mr. Goulburn, under date 10th January 1820, recommending him for employment

here, and it was in consequence of such recommendation of him that I confirmed him in the appointment of inspector of government buildings on the resignation of Mr. Melville.

I forbear to make any comment upon the tone assumed by Lieutenant-Colonel Bird, having, as I conceive, sufficiently exposed the fallacy of his statement, as far as regards my motives and conduct in the public service. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 25th November 1825.

MY LORD,—During my absence from London on the 14th instant Mr. Wilmot Horton had occasion to see Mr. William Greig the brother of the Printer at the Cape, upon the subject of the application which has recently been received from that Individual.

On the 23rd instant Mr. Wilmot Horton received from Mr. Greig a letter of which a copy is enclosed, purporting to be a record of what passed in the conversation on the 14th instant; and as it is not impossible that the misrepresentations contained in that letter may have been already reported to Mr. Greig the Printer, I have, in the absence of Lord Bathurst considered it advisable to transmit to your Lordship a copy of a letter which Mr. Wilmot Horton has addressed to Mr. William Greig in order to rectify those misrepresentations.

I take this opportunity also to transmit for your Lordship's information a copy of some correspondence which has just passed between this office and Mr. Bishop Burnett.

I have &c.

(Signed) R. W. HAY.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 25 November 1825.

MY LORD,—I have the honor to transmit to Your Lordship Copy of a Proclamation which has been issued and promulgated by order of Council, relative to the reduction of the duty formerly levied upon Articles exposed for Sale by Public Vendue and bought in by the Parties, and also upon immoveable property.

I had received a representation on this subject from the Merchants and on referring their Memorial to the Commissaries of Vendues it appeared that the duty was in fact nugatory, that not a shilling had been exacted under it, and that it was evaded by the practice of putting fixed minimum prices upon goods exposed for sale (it being customary not to charge duty when no bidding takes place) and withdrawing them if not purchased at that price or at a higher one.

This practice is stated to have very prejudicial effects on the Public Sales, and consequently on the Government Revenue, as it led to private bargains (after they have tried the value by public Sale) on which no duty is levied.

I therefore submitted to Council the whole of the correspondence, and the above Proclamation or Ordinance was issued accordingly; and I have no doubt the arrangement will be attended by an increased receipt in that Branch of Revenue.

I have, &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LORD CHARLES SOMERSET.

CAPE TOWN, 25 November 1825.

MY LORD,—We have the honor to request that Your Lordship will be pleased to give orders that we may be furnished with a copy, or copies of any despatches addressed by Sir Rufane

Donkin or by Your Lordship to His Majesty's Secretary of State for the Colonies relative to the change that was effected in the constitution of the Supreme Medical authority in this Colony by the Government Advertisement of 21 September 1821, and to the qualifications of Dr. James Barry to fill the Situation of Colonial Medical Inspector. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Copy.]

Letter from LORD CHARLES SOMERSET *to the* COMMISSIONERS
OF ENQUIRY.

NEWLANDS, 25th November 1825.

GENTLEMEN,—In reply to your letter of this day's date I have the honor to transmit for your information, copy of a letter from Sir Rufane Donkin, the Acting Governor of this Colony, under date 20th September 1821, reporting to Earl Bathurst the extinction of the Supreme Medical Committee as nominated by Proclamation of the 24th April 1807, and the appointment by Government Advertisement of 21st September 1821 of a Colonial Medical Inspector, performing the duties of that Committee.

It does not appear from the Records of this Office that any notice was taken by Earl Bathurst of this communication.

I have further to state to you that I am not aware of having written any Despatch to Earl Bathurst on the subject of Dr. Barry's qualifications to fill the Situation of Colonial Medical Inspector, but I have at all times, and to no one perhaps more strongly than to yourselves, expressed a high opinion of his Professional Talents. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. WILMOT HORTON, ESQRE., to MR. WILLIAM GREIG.

DOWNING STREET, 25th November 1825.

SIR,—Your letter, dated the 19th instant, appears not to have been received here until five o'clock in the evening of the 23rd ; and it came in the usual course of business into my hands yesterday.

When you left me after the interview which you had with me on the 14th instant, I told you that I would not be answerable for any thing that occurred in conversation, unless it were recorded in writing ; and I expected that you would have sent me a record of that conversation, if at all, immediately. I am enabled, however, to state with certainty the observations which I made on that occasion ; and I proceed to correct the various inaccuracies which I find in your representation of what was said by me.

In the first place, with respect to the late directions which had been given to Lord Charles Somerset, I only stated, that prior to your interview with me, instructions had been given to Lord Charles Somerset to restore the printing presses, materials, &c. to Mr. George Greig.

Secondly, you state that you remarked, that an official order on that subject having been once disobeyed by Lord Charles Somerset, you could place no reliance that he would not act in the same manner again. To that remark I answered, that at the time when the former instructions had been given to Lord Charles Somerset, Lord Bathurst had not been officially apprized that the printing presses had been sold ; and I referred you to my former answer, that fresh instructions had been given on the subject.

Thirdly, with respect to the question whether you should send out printing materials to your brother, I told you that His Majesty's Government did not intend to send out any printing materials to him ; and I again referred to the instructions which had been given to Lord Charles Somerset.

Fourthly, with respect to compensation for inconvenience asserted to have been lately sustained by Mr. Greig, a most

inexplicable misconception appears to have arisen in your mind. It is perfectly true that I said that it would be premature now to enter at all on the subject of any losses which Mr. Greig might or might not have sustained with respect to his printing presses, inasmuch as nothing specific or definitive was known here upon that point; but that whenever Mr. Greig preferred any complaint upon that or any other subject to Lord Bathurst, it would be for his Lordship to give or to withhold the redress required, as he in his discretion might think fit; but I beg to assert that I never held out the slightest promise with respect to remuneration, for the reasons already assigned. I remain &c.

(Signed) R. W. HORTON.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. BISHOP BURNETT.

DOWNING STREET, 25th November 1825.

SIR,—I have laid before Earl Bathurst your letter of the 19th Inst.

In answer to your enquiry whether any report has been received from H. M. Commissioners of Enquiry at the Cape respecting your case, I am directed to acquaint you that no such Report has been received.

The Commissioners have informed Earl Bathurst that in pursuance of the Instructions which have been conveyed to them to report on your case, they will lose no time in doing so, but adverting to the surprise which you expressed in a communication to Mr. Horton under date of the 28th of March last that the Commissioners had omitted to report on that part of your case which you had submitted to them at Graham's Town, these Gentlemen have at the same time acquainted his Lordship that no expectation was held out by them to you that any special communication would be made to his Lordship respecting your case, and that you were on the contrary distinctly informed that their enquiries were restricted to the general objects which your information might tend to elucidate.

With regard to the charges of corrupt administration which

you have to adduce against Lord Charles Somerset, Earl Bathurst has directed me to acquaint you that if you will transmit Copies of those charges to his Lordship he will then be better able to judge how far the particular circumstances to which they have reference, and which you allege can only be substantiated by your presence at the Cape, are of such a description as to justify his Lordship in departing from the decision which has already been conveyed to you in respect to your application for leave to return to that Colony. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from LORD CHARLES SOMERSET to COMMODORE CHRISTIAN.

CAPE OF GOOD HOPE, 26th November 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 19th Instant, with its Inclosures relative to some articulated Servants of Mr. Ingram who had entered on board H.M. Ship *Leven*.

Captain Owen having previously to his departure placed these men into the hands of the Civil Power, they have been proceeded against, on the desire of Mr. Ingram, before the competent Tribunals, and the Court has decided that they should be punished according to the annexed Copy of their Sentence.

The Men however have appealed and the question must of course remain at issue until such appeal be decided.

His Excellency is not aware that the cases of any of these men are of that nature as to make them cognizable before a Vice Admiralty Jurisdiction, but should that be the case, and should they wish any Proceedings to be adopted against Mr. Ingram for any offence committed under that Jurisdiction, there is a Court of Vice Admiralty established here which will of course take cognizance of any complaints which may come within its jurisdiction, and application should in such case be made by the Parties to the King's Proctor. I have &c.

(Signed) C. H. SOMERSET.

[Copy.]

Letter from the Commissioners of Enquiry to the Secretary to Government.

CAPE TOWN, November 26, 1825.

SIR,—We have the honor to enclose to you certain Interrogatories to which we request your attention and answers, relative to the grounds upon which an alteration has been recently made by the Executive Authority of this Government in the constitution of the Office of Medical Inspector established under the authority of the Proclamation of 26th September 1823. We have affixed a number to each question, and have endeavoured to keep the subjects of each as distinct as possible. At the same time we request that in transmitting your answers, you would give any latitude to them that may afford us the benefit of your observations, even upon subjects that the questions do not strictly embrace. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

Interrogatories proposed by the Commissioners of Inquiry to the Honorable Sir Richard Plasket, Knight, Chief Secretary to Government.

CAPE TOWN, Nov. 26, 1825.

1. Have any Representations or Memorials been addressed to His Excellency the Governor, and are they now of record in the Colonial Office, complaining of the manner in which the duties and authority of Medical Inspector have been exercised by Dr. Barry? exception being made of the letter of the Landdrost of the Cape District, complaining of his interference in the Prison at Rondebosch, of the letter of the Fiscal, in which he complains of the observations contained in the letter addressed by Dr. Barry to the Chief Secretary to Government, dated 25th August, 1825, and a Memorial of certain Merchants and Importers of Medicine on the restrictions imposed on the sale of it by the Proclamation of 1823 and the extensive power and discretion imparted by it to the Medical Inspector.

2. Do any similar Memorials and Representations exist in

the Records of the Colonial Office complaining of the manner in which Dr. Hussey and Dr. Robb performed the duties of sole Medical Inspector after they had virtually and directly become vested in them by the death of Dr. Biccard in the year 1817 ?

3. Has any similar Memorial or Representation been addressed to the Colonial Government except in the case of Mr. Carolus Liesching complaining of Dr. Barry's unjust rejection of the Claims submitted to him by applicants for admission to Practice ; of unbecoming treatment of the Parties that came before him upon these occasions, or of the undue exercise of the Authority that was conferred upon him by the 5th, 6th and 8th Articles of the Proclamation dated 26th September, 1823 ?

4. Does it appear to you that the objectionable nature of the Authority that was vested in the Colonial Medical Inspector by the Proclamation of the year 1823, or the Government Advertisement of September, 1821, was removed or modified by the Practice as explained by Dr. Barry in his letter dated 24th May 1824, and in conformity to which it is stated to the Commissioners that he has continued to act ?

5. Are you enabled to state the nature of the circumstance that led to the Order addressed to Dr. Barry on the 30th April, 1824, requiring him to make occasional visits to the Tronk and Somerset Hospital, and to report his observations to the Government ?

6. Have you had any and what reason in your Official and Personal intercourse with Dr. Barry, to complain of the manner in which his Communications to you have been delivered, or of his Department as a Civil servant and Head of a Department ?

7. Be so good as to state the nature of the " circumstances " alluded to in your letter to Dr. Barry of the 4th October, as having impressed upon His Excellency the Governor the impropriety of any one Individual being entrusted with the sole management and control of the Colonial Medical Department.

8. Were these circumstances submitted to the consideration of the Council previous to or upon His Excellency the Governor's consultation with them on the 28th October ?

9. It would appear by the tenor of the letter dated 4th October that His Excellency felt it necessary to " propose to

Council " that the Duties of the Medical Department should thenceforth be carried on by a Committee, and by another letter of the date of 15th October addressed to the late Medical Inspector it would further appear that His Excellency resolved that the whole of the Correspondence was to be submitted to the Council for their consideration and " decision." Can you state the reasons by which His Excellency was ultimately guided in taking the opinion and advice only of the Council upon the change that he was about to make in the constitution of the Supreme Medical Establishment as a measure that he considered to be within the competence of his Executive Authority ?

10. It would appear that after the receipt of the letter from the late Medical Inspector, dated the 23rd August, and containing a reflection upon the motives of the Fiscal in proposing to transfer Aaron Smith from the Gaol to the Hospital, the former Officer was ordered in a letter dated 12th September, to make another Report upon the condition of this Man. Had any Official warning or intimation been given to the Medical Inspector between or previous to those periods conveying to him the displeasure of His Excellency the Governor at the style of his Official communications, and warning him to discontinue it ?

11. Has any other embarrassment arisen from the terms in which the official Communications of the late Medical Inspector have been made, and of " the imputations that have unsparingly and unreservedly been cast by him upon Officers of this Government," than what has arisen from making the communication to His Majesty's Fiscal of the reflections that were cast upon him by the late Medical Inspector in his letter of the 23rd August ?

12. Did you inform the late Medical Inspector (when you observed to him that if he persevered in the strain of correspondence that he adopted with regard to the Fiscal, the consequence must be that a Committee would be appointed, that he would become a subordinate Member of such a Committee, and that his Salary of 2400 Rixdollars would be taken away ?

13. It would appear from the last remark with which the Commissioners of Inquiry have been honored by the Council, that the letter of the late Medical Inspector dated 29th October

informing His Excellency the Governor that he declined a subordinate situation in the new Medical Board, did not form a part of the Documents that were submitted to the Council ; will you be so good as to state whether the nature of the objection made by the Medical Inspector in that letter was communicated in any other shape to the Council before they agreed to advise His Excellency the Governor to change the constitution of the Medical Authority by taking it out of the hands of the late Medical Inspector, and placing it in those of a Committee ?

14. Has it been determined by His Excellency the Governor to continue to the President of the new Medical Board the salary that was enjoyed by the late Medical Inspector, or is the Salary abolished together with the Office ?

15. Will you state the Rule by which the precedence of Medical Officers has been regulated in the Board that has been established, and which would have precluded Dr. Barry from being the President ?

16. Has the Colonial Government any reason to doubt the truth of the representations that have been made by the late Medical Inspector respecting the state of the Town Gaol, the cruel treatment of the Prisoners, both in and out of it, by the Denaars ; and the state of the Somerset Hospital ?

[Copy.]

*Letter from LORD CHARLES SOMERSET to COMMODORE
CHRISTIAN.*

CAPE OF GOOD HOPE, 27th November 1825.

SIR,—I have the honor to acknowledge the receipt of your letter of the 19th Instant on the subject of the competency of the local Tribunals of this Colony to take cognizance of criminal offences committed on the high Seas.

Upon this question I have the honor to inform you that in consequence of there being no Piracy Commission here, and the jurisdiction of the Vice Admiralty Court being limited to Civil matters, as you will perceive by the annexed Copy of the opinion of the Judge of that Court, there is no Tribunal

which strictly speaking can take cognizance of criminal offences committed on the high Seas.

Under the former administration of this Colony by the Dutch, the local Tribunals were competent to take cognizance of all offences, whether Civil or maritime, and this Custom has been acted upon in cases where the offence has been committed within the Harbours of this Colony, and in some instances even where the offence has been committed on the High Seas, but I am clearly of opinion that though sanctioned by Custom, the Courts have no jurisdiction in such cases, and it is my intention to submit the question to Earl Bathurst by the earliest opportunity.

I am not aware of any power invested in you as a Magistrate afloat, but I should recommend that in any cases arising from acts committed on the High Seas, reference should be made to the Vice Admiralty Court, which will decide as to its competency to take cognizance of them here, or to the propriety of referring them elsewhere. I have &c.

(Signed) C. H. SOMERSET.

[Copy.]

Letter from the Secretary to Government to the Commissioners of Enquiry.

COLONIAL OFFICE, November 27, 1825.

GENTLEMEN,—I have had the honor to receive your letter of yesterday's date, enclosing certain Interrogatories to which you request my attention and answers, relative to the grounds upon which an alteration has been recently made by the Executive Authority of this Government in the constitution of the Office of Medical Inspector established under the authority of the Proclamation of 26th September, 1823.

As this measure has been submitted to the Advice and Opinion of His Majesty's Council, and as it was adopted in pursuance of a Resolution of Council to that effect, I do not feel myself justified as an Individual Member of Council to enter into any explanation of the motives or grounds which

induced or led to the adoption of that measure, and I would suggest to you the propriety of applying to His Excellency the Governor in Council for any information which you may require on this Head, being perfectly satisfied that His Excellency in Council will be happy to afford you every explanation and information which may be of advantage to the Public Service.

Independently of this general opinion with reference to my situation as a Member of Council, it appears, on perusing the Interrogatories which you have been good enough to draw out, that I am called upon as Chief Secretary to state to you the reasons which may have induced His Excellency the Governor to adopt such and such measures.

As His Excellency is present on the spot, I conceive with all due deference to your judgment, that it would be better if such information were demanded from His Excellency himself, who should be the best judge of the motives which guided Him on such occasions.

In regard to any advice which I may have given His Excellency as Chief Secretary, relative to the arrangement alluded to, before it was submitted to Council, such Advice has in my opinion merged into that which I subsequently gave in Council as a Member of this Government.

As Chief Secretary to Government I am not responsible to any Tribunal for Advice that I may give to the Governor, nor do I conceive myself liable to be called upon to explain any such. I am an Executive Officer of the Governor, bound to carry his Instructions into effect, or to resign my Office, which I should do rather than sign my name to any Order that I thought illegal or highly improper.

Any Advice which I may give to the Governor as Chief Secretary, and that He may choose to act upon, does not take from his shoulders, nor place upon mine, the responsibility thereof.

To Earl Bathurst indeed I am responsible for the manner in which I execute the duties of my Office as Chief Secretary, and for the soundness of any Advice which I may give to His Excellency, and he has the Power, and I am sure he would exercise it, of removing me from my situation were I to act in a manner either to injure the Public Service or to alter the

opinion which he was kind enough to form of my Public conduct and Principles when he did me the honor to appoint me to my present situation. I have &c.

(Signed) RICHD. PLASKET, Secretary to Government.

P.S. I have only alluded in this letter to the Interrogatories generally.

[Copy.]

Letter from the Secretary to Government to the Commissioners of Enquiry.

November 27, 1825.

MY DEAR SIRS,—In transmitting to you the accompanying Official Reply to your letter of yesterday's date, I beg leave to assure you that I do not wish to keep any information from you, or to screen myself from the fair responsibility I have incurred in the Advice I have given Lord Charles relative to the re-establishment of the Medical Committee and the removal of Dr. Barry.

I am about to draw up a Memorandum of my reasons for having so done, for Earl Bathurst's information, and I shall be most happy to give you a Copy of it. I beg to remain &c.

(Signed) RICHD. PLASKET, Secretary to Government.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, November 28th 1825.

MY LORD,—I have the honor to transmit to Your Lordship a Letter I received from His Majesty's Commissioners of Inquiry covering the Copy of a Reply to an Interrogatory put by them to Lt. Col. Bird, with my explanation to those Gentlemen of the circumstances therein contained, and the Enclosures accompanying that Explanation.

I am induced to take the liberty of forwarding these Papers to Your Lordship, lest a misrepresentation of the Facts should

be made to Your Lordship, and also to put Your Lordship in possession of the feeling by which Lt. Col. Bird is actuated in any matter that attaches to me. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE TOWN, 28th November 1825.

MY LORD,—From the manner in which Lord Charles Somerset has communicated to us the substance of Mr. Wilmot Horton's confidential letter conveying the sanction of your Lordship to the publication of Mr. Pringle's Journal, we have not felt ourselves at liberty to make allusion in our report to any other part of the letter than that which Lord Charles has officially quoted. It would appear however that other passages were read to Mr. Pringle by His Lordship, although the recollection of Mr. Pringle did not enable him to distinguish between the observations of the letter and the verbal injunctions of Lord Charles Somerset. We have not been favoured with a copy of the letter to which this was a reply, but we are led to infer that Lord Charles had recommended a refusal of the application of Messrs. Faure and Pringle on the ground of the presumed opinions of these Persons, and from the observations in the Schedule of Papers, His Excellency appears to have apprehended that the work might have ultimately been directed against the civil and political Establishments of the Colony, and in particular against the Established Church of England.

Whatever were the grounds on which his Lordship was led to entertain this opinion, we have not found reason to concur in it, and we are led to apprehend that the patronage that your Lordship recommended to Lord Charles to extend to the work may not have been so freely accorded as to have removed from the mind of Mr. Pringle an impression that the Colonial Government were jealous of the undertaking, an impression which Mr. Pringle would appear to have conceived, and which the subsequent proceedings had tended to confirm.

We cannot omit to observe to your Lordship that about the period when the proposal of Mr. Pringle was submitted, the desire of the Public for a new Journal proceeded in a great degree from the total absence of all interest in the publication of the *Cape Gazette*. It had for some time contained but little information of a general nature in relation either to domestic or foreign subjects, and excepting for official publications or commercial advertisements it was scarcely read or referred to by any class of the Inhabitants. The progress of education had naturally created a desire for various information, which by many could not be obtained except by the publication of another Journal. And we lament to add that after the establishment of a newspaper by Mr. Greig and a magazine by Messrs. Faure, Pringle, and Fairbairn, some articles were inserted in the *Cape Gazette* of a most objectionable nature, and which in a paper addressed to us by Mr. Pringle were the subject of his severe animadversion in commenting upon the proceedings of the Colonial authorities with regard to himself. We do not think it necessary at this moment to trouble your Lordship with any details upon this subject, although we have considered it important to allude to it in reporting upon the merits of Mr. Pringle's case, as we think it not improbable that if he should be eventually disappointed in his views he might feel inclined to bring the subject before the Public and to revive a discussion that for the present is happily at rest.

We have &c.

(Signed) JOHN THOMAS BIGGE,
 WILLIAM M. G. COLEBROOKE.

[Copy.]

Letter from MR. WILLIAM GREIG to R. WILMOT HORTON, ESQRE.

32, CITY ROAD, 28th November 1825.

SIR,—I am honoured with your communication of the 25th instant; and in reply thereto beg to state that the delay you complain of was unavoidable, and to prevent misconception I endorsed the date of delivery on the envelope.

I must be allowed to say that I do not perceive wherein your statement of what passed, at the interview with which I was honoured on the 14th instant, materially differs from mine, except that part which relates to "compensation"; and in regard to which, although I sent you what I understood to be the *spirit*, if not the very *letter* of your communication, yet I am willing to allow that the conclusion I have drawn from the following literal report of what passed on the subject of "compensation" (and I am enabled to report that part of our conversation literally) is not altogether warranted:—

In answer to the following interrogatory, "As Mr. George Greig will suffer an almost irreparable loss, will His Majesty's Government make him compensation for those losses?" your reply was as follows: "Mr. Greig, on that subject we cannot now enter; if we did, you must be aware that I should have the advantage of you, because you cannot know what your brother's losses may be up to the time that he may be put in possession of the presses and types."

Having expressed my anxiety to avoid the necessity for agitating the subject in either a legal or public manner (I alluded to a court of law and the House of Commons), I understood your reply was to this effect: "When your brother has ascertained the amount of losses sustained from inability to commence his business as a bookseller and printer, let him make a statement of the same and forward it to Earl Bathurst, and I am sure it will meet with every proper attention."

The foregoing is a correct literal report of what passed on the subject of compensation; and if it will meet with your desire, I will withdraw my letter of 19th instant, and forward another, a literal transcript of this, so far as regards the paragraph on the subject of compensation.

Permit me to say that I intend this to be considered a private communication; and the offer above made I do not consider, in the smallest degree, as compromising my honour or veracity; with this understanding I am ready to receive an official communication that will meet the case as herein detailed.

Perhaps you will honour me with an interview previous to your answering this. I have &c.

(Signed) WILLIAM GREIG.

[Copy.]

Letter from the Commissioners of Enquiry to the Secretary to Government.

CAPE TOWN, November 29, 1825.

SIR,—We have had the honor to receive your letter of the 27th Instant, in which, for the reasons therein stated, you decline to afford us any answer or explanation upon the questions that we had the honor to submit to you, and which were framed with a view to acquire information of the grounds upon which the Powers confided to the Governor by His Commission and Instructions, and that which has been attributed to the Council by a more recent Authority, have been exercised in effecting a change in the constitution of one of the Colonial Establishments.

In framing these Questions it certainly was never intended by us to address them to you in any other character than that of an irresponsible servant of the Executive Government, who, from the high Station that he filled, must necessarily be acquainted with the reasons and facts that he has submitted to the Governor (especially when they are stated as the Grounds upon which the Governor has acted) with the nature of the Documents that are deposited in the Colonial Office, and with the Official Declarations and Decisions that are given upon Questions of an Executive nature.

Our object was simply to ascertain the facts upon which an Act of Executive Authority has been performed by the Governor, and upon which the advice of the Council was taken. This Inquiry might furnish us with reasons sufficient to induce His Majesty's Government hereafter to modify the exercise of the Authority that it has conferred; or to extend the control by which that Authority is to be checked; but acting in conformity to our Instructions, we could have no view to fix responsibility upon yourself, or any of the Persons concerned.

The addition of the Legislative character that has recently been conferred upon you has indeed led us to reflect upon the inconvenience that may arise from a combination of it with the Executive Character of Chief Secretary to the Government; but we were not led to apprehend, nor do we now think, that

our Questions exceeded the strictly Official Duties that belong to that situation, and within which we presume that our Inquiries must be allowed to range, (as they have already done) if they are to be attended with any beneficial consequence to the Government.

It is probable that some part of the information that we requested will be communicated to us by His Excellency the Governor, after we have given a new shape to our request ; and to whom we shall think it necessary to explain the reasons for troubling him with it.

We, therefore, do not think it necessary on this occasion to enter with you upon the consideration of the Principle upon which you appear to justify your refusal to afford us information upon this Branch of our Inquiry ; but we must beg to be understood, as in no wise admitting that principle, but on the contrary, as considering the application of it in this instance as subversive of the views in which our Commission originated, as well as of the objects to which it has been directed ; as opposed to the Supreme Authority from which it emanated, and to the obedience that it directly enjoins upon all the Servants of the Crown. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 30th November 1825.

MY LORD,—With reference to my dispatch of the 6th ultimo, I have the honor to acquaint your Excellency that I have appointed Lieutenant Bance to fill the situation of Captain of the Port at the Cape of Good Hope, with a Salary of Three hundred Pounds per annum, payable from the date of his arrival in the Colony. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 30th November 1825.

MY LORD,—I am directed by Earl Bathurst to introduce to your Lordship's notice and protection Captain Mainwaring of the Royal Artillery who will have the honor to deliver this letter to your Lordship.

As this Officer proceeds to the Cape of Good Hope on Military duty, and will probably be stationed there for some time, Lord Bathurst will be glad if your Lordship has any opportunity of shewing him any civility. I have &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the Commissioners of Enquiry to the Secretary to Government.

GRAAVE STREET, November 30, 1825.

MY DEAR SIR,—In answer to your Private communication of the 27th inst. in which you are so good as to say that you will submit to us a Memorandum that you are preparing for Lord Bathurst on the subject of the change that has been made in the Medical Department, we beg to state that as we are not aware of the grounds upon which you may have been induced to address this Memorandum to His Lordship, and as we would not consent to receive it as private information when we conceive we are entitled to obtain it in another and more specific shape, we must beg leave to decline the communication that you are good enough to offer, at the same time we would add that we shall be ready to receive it as a Public Document, submitted by you to the consideration of Lord Bathurst, without prejudice to the right of Inquiry that we have claimed, and which, in justice to the Public Interests, we cannot consent to waive. We beg &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from MAJOR GENERAL BOURKE to EARL BATHURST.

HIS MAJESTY'S SHIP *Rainbow*,
SPITHEAD, November 30th 1825.

MY LORD,—I have the honor to inform Your Lordship that I have embarked this day to proceed to my destination at the Cape of Good Hope. I have &c.

(Signed) RICHD. BOURKE, M. General.

[Original.]

Letter from MR. DUDLEY M. PERCEVAL to R. W. HAY, ESQRE.

MY DEAR SIR,—I am happy to inform you that we arrived in Table Bay on Sunday the 6th of November after a very favourable passage. I delivered the despatches to Lord Charles Somerset that evening, and took the oaths of office at the Council on Monday morning.

His Excellency has been pleased to allow me for the present to take possession of the vacant apartments of the House in which the Council Room and Office are situated. But I understand it is in contemplation shortly to convert the whole building into additional offices for the Colonial Secretary's department. I therefore take the liberty to recall to your recollection the conversation I had with you on the subject of an allowance for House-Rent.

I understand that it is probable that His Excellency will find it expedient to recommend the appointment of a clerk to assist me in the more laborious part of the duties of my office, as the mass of papers to be entered is sometimes very considerable, and is likely to increase. In that case, I need not remind you of Mr. Nichol's claim to the situation; but would remark that his conduct during the voyage has been such as to encrease the good opinion I had previously formed of his character.

May I beg of you to present my compliments and best

acknowledgements to Lord Bathurst, and to assure Lady Bathurst, with many thanks for the letters which have procured me the best reception here, that I will not be unmindful of her Ladyship's kind request to hear from me from the Cape.

I remain &c.

(Signed) DUDLEY M. PERCEVAL.

P.S. Will you give my best compliments and remembrances to Mr. Wilmot Horton and Mr. James Stephen.

[Original.]

Letter from MR. R. H. ADCOCK to R. W. HORTON, ESQRE.

21 OLD COMPTON STREET, SOHO, 30th November 1825.

HON'BLE SIR,—My Brother Christopher Adcock went to the Cape of Good Hope in 1819, but his first intentions not succeeding, he was driven to try his trade of a tallow chandler, and his conduct gaining him the approbation of the Officers and Authorities of the district in which he was located, he was induced to memorialize Lord Charles Somerset for his recommendation to Earl Bathurst for his Majesty's Government to provide conveyance for any utensils his friends in England might send him. This his Lordship was kind enough to accede (as you will find by the inclosed documents), but at that time we had not the means to second the liberality of his Lordship, and I heard nothing further untill this month when my Brother informs me he is still in great difficulties for want of utensils, and could supply the Colony (in and near Graham's Town) with the necessary articles candles if his friends could assist him. They are willing to subscribe for that purpose, to purchase articles according to the enclosed list, and humbly pray his Majesty's Government to forward such things as originally granted by Earl Bathurst; and it will confer a lasting obligation on them and your humble devoted servant.

(Signed) R. H. ADCOCK.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 1st December 1825.

MY LORD,—It having been pointed out to me that the appointment of a person to perform the exclusive duties of a Superintendent of Police at the Cape of Good Hope (which duties have hitherto been discharged by the Advocate Fiscal) would be productive of very beneficial results to the Colony, I have thought proper to appoint Mr. Charles de Lorentz to fill this situation with a Salary of Seven Hundred Pounds Sterling per annum, to be provided for out of the Colonial Revenues, his appointment to commence from the date of his embarkation.

I have not considered it necessary to furnish Mr. de Lorentz, who will have the honor to deliver this despatch, with any specific Instructions on the subject of the duties which he will have to perform; but as I understand that the Commissioners of Enquiry have given their attention to this subject, and that they are in fact prepared to suggest what measures it may be proper to adopt in order to give effect to this arrangement, it will be proper that your Excellency should apply to them for any suggestions which they may feel desirous of offering to you for the regulation of the Department of Police.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 1st December 1825.

MY LORD,—I have the honor to transmit to Your Lordship a Correspondence which has taken place between the Commodore commanding His Majesty's Ships and Vessels on this Station and myself, relative to the competence of the local Tribunals to try offences, committed on the High Seas and within the Ports and Harbours of this Colony.

The great difficulty which we labour under in this respect is in the want of a Piracy Commission, which, although alluded to in the King's Instructions on my appointment as Governor of this Colony, has never been transmitted to me. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

*Letter from the Secretary to Government to the Commissioners
of Enquiry.*

COLONIAL OFFICE, 1st December 1825.

GENTLEMEN,—In reply to your letter of the 29th ultimo I beg leave to state that I never did refuse to give an answer to the Interrogatories which you were pleased to transmit to me, but I thought it more respectful to you, instead of replying “seriatim” to each question in a manner that I knew must be unsatisfactory as regarded the greater part of them, to state by letter my feelings and opinions on the nature of the Interrogatories generally which you had put to me; and at the same time to suggest to you the propriety of obtaining the information you required in what appeared to me a fitter and more constitutional manner.

My objections were two :

First, I did not feel myself justified as an Individual Member of Council to give any explanations on a subject that had been submitted to and decided in Council.

Should the Commissioners of Inquiry in the execution of the duties entrusted to them, be of opinion that the late removal of Dr. Barry from his Office of Colonial Medical Inspector and the re-establishment of the Medical Committee, are points of so much importance in enabling them to report upon the manner in which the Powers confided to the Governor of this Colony, and to His Excellency in Council, have been exercised, as to authorise them to require the Individual opinions of those who have advised the Governor on this occasion, and to absolve the Councillors from their oath of secrecy, I am perfectly ready to give my Individual opinion with the rest of the Members of

Council ; but I cannot admit of your right to select me out from the rest, particularly as you must be well aware from the Private and Confidential Correspondence which has passed between us, that the late removal of Dr. Barry has been coupled, and coupled by yourselves too, with a personal threat, which I am stated to have made to Dr. Barry, of dismissing him from his Office if he made any complaints to you.

That correspondence has left on my mind an Impression which certainly makes me but little anxious to allow myself to be selected on this occasion, and I had hoped when at your earnest solicitation I agreed to close it, that the subject would not have been brought forward again under a new shape, at least to me individually.

As to the advice which I gave to Lord Charles and which is alluded to in His Excellency's letter to Dr. Barry and quoted by you in your present letter, I beg leave to state that it was a perusal of the Draft of that letter, together with the observations which Dr. Barry had made to me the day before, as to my being personally hostile towards him, that induced me to beg of Lord Charles not to act upon my representations, but to bring the whole matter to the consideration of Council, and His Excellency was good enough to alter the Draft of his letter to Dr. Barry to that effect.

From this period then the subject became a matter for the consideration of Council, but so far from wishing to conceal from you any Advice I may have previously given to Lord Charles, as the Grounds thereof, I have already informed you in my private letter that I was drawing up a Memorandum on this subject to submit to Earl Bathurst, and that I should be happy to furnish you with a copy thereof.

My second objection was to being called upon to explain the motives which guided the conduct of His Excellency the Governor on specified points, and here it certainly did appear to me that in a Report which the Commissioners of Inquiry proposed to make to His Majesty's Government and to Parliament, on the subject of the Powers and Instructions of the Governor of this Colony, that any explanation of mine relative to the motives of His Excellency's conduct, even if I knew these motives, could not be satisfactory evidence, while His Excellency was on the spot to state them himself.

In regard to any other points to which the above objections do not apply, I shall be always ready to afford you every information that it may be in my power to give.

In making this Explanation to you, I beg leave to disclaim in the most solemn manner any wish or intention on my part to do anything subversive of the views in which your Commission originated, or of the objects to which it has been directed, or to oppose in any manner the Supreme Authority from which it emanated, or the obedience that it enjoins upon all the Servants of the Crown. I have &c.

(Signed) RICHD. PLASKET, Secretary to Government.

[Copy.]

Memorandum by the Secretary to Government.

Very shortly after my arrival in this Colony (twelve months ago) my attention was called to the Provisions of the Proclamations of 24th April and 18th August 1807, and of the 26th September 1823, which established the Laws for the admission of Medical Men to practise in the Colony, and which are herewith annexed.

A Mr. Liesching had sent in a Memorial to Government, requesting to be examined previously to his being admitted to practise as an Apothecary and Chemist. This Memorial (after having been submitted to the Chief Justice, who stated that Mr. Liesching's Application was in consonance with the spirit of the Proclamation) was forwarded to Dr. Barry as Colonial Medical Inspector, in order that the necessary examination should take place.

Dr. Barry returned the Memorial, stating that he could not recommend Mr. Liesching, as he had no Diploma from Europe.

His Excellency the Governor being of opinion that the necessity of a regular Diploma from Europe, as alluded to in the Proclamation of 26th September, 1823, was limited to Physicians only, and did not apply to Apothecaries and Chemists, He addressed a second letter to the Chief Justice,

requesting his legal opinion as to the construction of the above-mentioned Proclamation.

The Chief Justice in reply gave His opinion that the Proclamation enforced the necessity of a Diploma from Europe upon Physicians only, and that Apothecaries, Chemists &c. were subject merely to Certificates of Apprenticeship, and to examination in this Colony.

On this Report of the Chief Justice being transmitted officially to Dr. Barry, and stating that His Excellency the Governor entirely coincided in it, with order to assemble a Board to examine into the professional acquirements of Mr. Liesching, Dr. Barry wrote a most impertinent letter to the Acting Colonial Secretary in reply, stating that "Sir John Truter the Chief Justice can in no wise be a Judge or lay down the Law respecting the Medical Profession in any of its Branches," and enclosing the Report of a Board which he himself had assembled (two Members of which were Apothecaries and Chemists and therefore naturally anxious to keep out others) and who gave their opinion that Mr. Liesching's Certificates were not regular, although one of the said Chemists had been permitted to practise under the self same Certificate. (Mr. Tredgold).

After this Report of Dr. Barry, His Excellency the Governor referred the construction of the Proclamation above-mentioned to His Majesty's Fiscal, as legal Adviser to the Crown, and that officer confirmed the opinion of the Chief Justice.

On receipt of the Fiscal's opinion I wrote an official letter to Dr. Barry, by order of His Excellency the Governor, referring to the legal advice he had received and desiring him to examine Mr. Liesching as to his professional talents and experience. This letter was dated 14th December, but Dr. Barry did not deign to take the slightest notice of it or even to acknowledge it. On the 28th December I wrote to him again, desiring to know what steps he had taken in pursuance of my letter of the 14th. To this second letter an answer was sent by Dr. Barry on the 31st, but it was couched in such disrespectful language that I was obliged to remonstrate against it, and Lord Charles consulting with some of Dr. Barry's friends, advised him to withdraw it. This he refused for a considerable time, and it was only on the 17th January that he condescended

to ask permission to withdraw the said letter, and at the same time requested to be excused from the examination of Mr. Liesching.

I had left Cape Town for the Interior a few days before, or I certainly should not have recommended the Governor to give in to this latter request. His Excellency, however, did do so, and the consequence was that a Board of Medical Officers of the Army was appointed to examine Mr. Liesching. This Board consisted of Dr. Arthur, Physician to the Forces and Principal Medical Officer in the Colony, Mr. Murray, Surgeon to the Forces, and Mr. Apothecary Thompson.

This Board (after stating that Mr. Liesching had been previously examined by Dr. Munro, Dr. O'Flynn and Mr. Morel, Surgeon, who had granted him Certificates as to his competency for carrying on his business), reported that they had examined him strictly and minutely as to his knowledge in the Latin language and the Sciences of Pharmacy and Chemistry, and that the Board did him the Justice to say that he acquitted himself very creditably, and that he also produced specimens of chemical medicines of difficult preparation made by himself, and that they considered him fully competent and qualified for carrying on the business of Apothecary, Chemist and Druggist.

Mr. Liesching was, therefore, Gazetted, but in consequence of Dr. Barry's refusal to examine him, the appointment was in fact illegal, as the Proclamation states that no Person can act without the recommendation of the Colonial Medical Inspector.

In this instance, then, I had to complain that Dr. Barry insisted upon setting up his own judgement as to the construction of a Proclamation against the declared legal opinion both of the Chief Justice and His Majesty's Fiscal, and in which His Excellency the Governor entirely coincided, that he used most disrespectful language in his remarks on the Chief Justice's letter, that he treated the Colonial Government with contempt by refusing to take any notice for a fortnight of the Official Instructions he had received from them, and when he did notice them, it was in so disrespectful a manner that he was obliged to withdraw his letter. That he afterwards evaded the duties of his Office by allowing personal pique or feeling to get the better of his public duties, and by this measure forced

the Government to act in contradiction to the Regulations established by Proclamation.

The above proceeding certainly gave me no very high idea of Dr. Barry's fitness for the important duties entrusted to him ; and made me reflect upon the impolicy of the measure of Sir R. Donkin, of abolishing the Supreme Medical Committee and throwing the whole Power into the hands of One individual.

As a question of public expediency I think there cannot be any difference of opinion, and long before my arrival in the Colony a remonstrance was made against it by the Merchants and Venders of Medicines to Government, in the following terms :

Extract from a Memorial presented to His Excellency the Governor by several Merchants and Traders interested in the sale of Drugs and Patent Medicines :

“ That although your Memorialists never had or can have the slightest objection to their Medicines being subjected to the most rigorous inspection of a Colonial Medical Board, yet they humbly beg leave to represent to your Excellency that the placing in the hands of One Individual a power so great as is now placed in the hands of our Colonial Medical Inspector, however respectable that Individual may be, and on which subject your Memorialists do not intend by these observations to cast the least shadow of reflection, a power by which the property of importers may be destroyed on the Ipse dixit of one Individual, and from whose decision there is no appeal, a power of condemning English Patent and Dutch Medicines, the component parts of which he may be wholly ignorant of, is an authority that may possibly become so dangerous that it only requires to be brought under your Excellency's observation to meet an immediate remedy ; that hitherto it had always been lawful to vend by wholesale or retail English Patent Medicines, also those called Hallische Medicines, such as Balsam of Lilley, Wonderful Essence, Red Powder, &c. &c. such as are generally purchased and used by Inhabitants of the Country Districts, many of whom live at the distance of One hundred Miles from any professional assistance.”

This Remonstrance was met by a Counter One of the Apothecaries, Chemists and Druggists in Cape Town, who were

assembled for the purpose *by Dr. Barry*, but this document does not say anything in favor of the superintendence of Drugs &c., by one Individual, but merely alludes to the impropriety of Merchants selling Medicines by retail, and in which of course the whole of the assembly were interested. The Merchants' Memorial, however, was overruled by this Remonstrance, and upon a proposal made by Dr. Barry for preventing any difficulties in future. Now the strongest argument in my mind for the expediency of re-establishing the Medical Board is that whenever difficulties do occur, under the present system, the universal panacea is a Board. When the Merchants complain of Dr. Barry's Individual Duties, he recommends in case of dispute a Board. When Dr. Barry makes a difficulty in examining Mr. Liesching, the Government recommend a Board to act with him. When he refuses altogether to examine him, the Government appoint a Board to examine him.

This shews clearly, then, that without my advice or interference, and even in Dr. Barry's own opinion, a Board is deemed necessary in all cases of difficulty or dispute.

I therefore had no hesitation, even at this time, to state my opinion to the Governor that I thought the Medical Committee should be re-established, but I could not carry my point.

In the month of August last His Majesty's Fiscal wrote me a letter, enclosing a Certificate from the Surgeon of the Public Prison, that one of the Prisoners was in a state of derangement, and begging that he might be sent to the Lunatic Asylum. I remarked on this letter that it was a serious matter, and that I would recommend the Colonial Medical Inspector to be called in to confirm the Certificate of the Surgeon of the Prison as to the man's state of mind. Lord Charles agreed to this, and I accordingly forwarded to Dr. Barry on the 23rd August the Fiscal's letter and Surgeon's Certificate, and requested him to examine the Patient.

On the 25th Dr. Barry reported officially that the man was perfectly sane in mind, but that probably His Majesty's Fiscal's application for his admission into the Somerset Hospital had been in the spirit of pure charity for the benevolent purpose of having the wounds inflicted upon the poor man by the Denaar (or keeper of the Prison) professionally attended to.

Dr. Barry, however, acknowledges in the same letter that

this man had laboured under temporary insanity from the effects of hard-drinking, in which state he was committed to the Town Prison, and on which occasion the Dienaar exercised great brutality towards him.

This serious attack upon all the Persons connected with the Prison Department, and which by Dr. Barry's account would have amounted to neither more nor less than that His Majesty's Fiscal and the Surgeon of the Prison had combined together to report a man mad and recommend his being committed to the Lunatic Asylum merely with a view of concealing or of curing the wounds he had received from ill-treatment in Prison, was forwarded to the Fiscal on the 1st of September, in order that he might report upon a transaction apparently of such a disgraceful nature.

A few days afterwards a second Report was made by the Surgeon upon this man (who in consequence of Dr. Barry's report had not been sent to Hospital) stating that he was *raving mad*, and Dr. Barry was again desired to visit him, when he stated that the man's mind was certainly deranged, but that it might be from bad treatment, and that he would recommend him as a subject for the Hospital, but not for the Lunatic Asylum.

When the original Report of Dr. Barry was transmitted to His Majesty's Fiscal, that Officer, anxious to clear his character and that of his Department from the aspersions of Dr. Barry, had the evidence of all the Parties taken before a Commissioner of the Court of Justice.

A summons was also sent to Dr. Barry, who tore it and threw it in the Messenger's face. On being again summoned, however, he refused to answer the Interrogatories put to him, stating that having been instructed by Government to make an Official Report he had done so, and that without an Order from Government he would not reply to any questions relative to that subject. The Fiscal claimed sentence against him, when he was ordered to answer the questions or to be imprisoned for one Month.

The moment, however, this came to the knowledge of Government, the sentence was ordered not to be carried into effect, and the Fiscal was informed that the Government did not approve of the manner in which Dr. Barry had been called

upon to swear to the contents of his Official Report to Government.

The Fiscal then sent in his Report upon the complaint of Dr. Barry, and after submitting that Dr. Barry's statement of facts was devoid of any foundation, and that no brutality was exercised to Aaron Smith, he begs the Government will consider this Report final, unless Dr. Barry be called upon to produce his authority for the statement of such disgraceful facts as are contained in his letter, and for the most uncandid and injurious inferences drawn therefrom, with regard to his own conduct.

His Excellency the Governor, on receiving this Report, deemed it necessary to call upon His Majesty's Fiscal for all the Proceedings and examinations which had taken place before the Commissioners from the Court of Justice, which the Fiscal forwarded in his letter of 29th September, and from which it appears that Dr. Barry's statements were unfounded, and the Fiscal concludes by trusting that they will meet with His Excellency's most severe reproof.

These Reports were forwarded to Dr. Barry, and to shew the lenity with which he was treated by Government on this occasion, I have only to refer to my letter of 30th September, enclosing the Proceedings, in which no allusion was even made to the tearing of the summons, and Dr. Barry was merely warned that he ought not, whatever the state of the man might have been, or his treatment in Prison, to have indulged himself in reflections on His Majesty's Fiscal, and which could have nothing to do with the duties of his Office.

After the exposition of these Documents, One would naturally have concluded that Dr. Barry would have been anxious to recal, or at all events to palliate, the expressions he had made use of, but so far from doing anything of the kind, he denies having said anything against the character of the Fiscal, although at the same time he went about the Town threatening to cut off his Ears.

This conduct of Dr. Barry, I must confess, led me to speak strongly on the subject to Lord Charles, as I had done frequently to Dr. Barry himself, but without any effect.

Lord Charles, however, on the receipt of the letter above-mentioned, determined to re-appoint the Medical Committee, and he mentioned his intention in Council (where it was

approved of) and I was instructed to offer Dr. Barry a seat at the new Board, on the subject of which I had already spoken to him privately.

On my applying to him to this effect, he flew into a violent passion, first stating that Lord Charles had promised to make him President, then that it was no concern of mine, but quite a personal thing between Lord Charles and himself, but immediately afterwards turning round upon me, he said I wanted to ruin him, to trample upon him, and that he would make it a personal thing between himself and me, in fact he was so violent that I told him it was useless for me to talk with him in that humour, and I therefore left him.

The next day I reported this conversation to Lord Charles, who shewed me a letter he had received from Dr. Barry with a draft of his proposed reply, on which I begged of Lord Charles, as Dr. Barry appeared to have a feeling that I was personally hostile to him, not to act upon any representations that I might have made to him against Dr. Barry, but to submit the whole question and correspondence to the deliberation and decision of Council, to which His Lordship agreed.

Independently of the circumstances above-mentioned, although I have neither time nor memory to recapitulate the numerous instances of impropriety of which Dr. Barry has been guilty, I shall merely allude to three.

1st. When Mr. Kekewich, Judge of the Vice Admiralty Court, begged an audience of the Governor, in company with Dr. Barry, upon the subject of the Fiscal's proceedings, while His Excellency was explaining to Mr. Kekewich the grounds upon which the Fiscal defended his conduct, Dr. Barry set up a kind of Horse *Whistle*, and Mr. Kekewich was obliged to reprove him for it. I merely mention this to shew his behaviour in the situation he was then placed.

2nd. At a meeting of the Bachelors for the purpose of proposing a Ball to Lady Charles Somerset, Dr. Barry attacked the Secretary to the Commission of Inquiry, who was there, and after alluding to the long residence of the Commissioners of Inquiry in this Colony, asked him aloud with a laugh, whether he had ever heard the story of the Mountain and the Mouse.

I mention this to shew that even the friendship and con-

fidence of Mr. Bigge and Major Colebrooke could not prevent him from being guilty of a gross impropriety towards them.

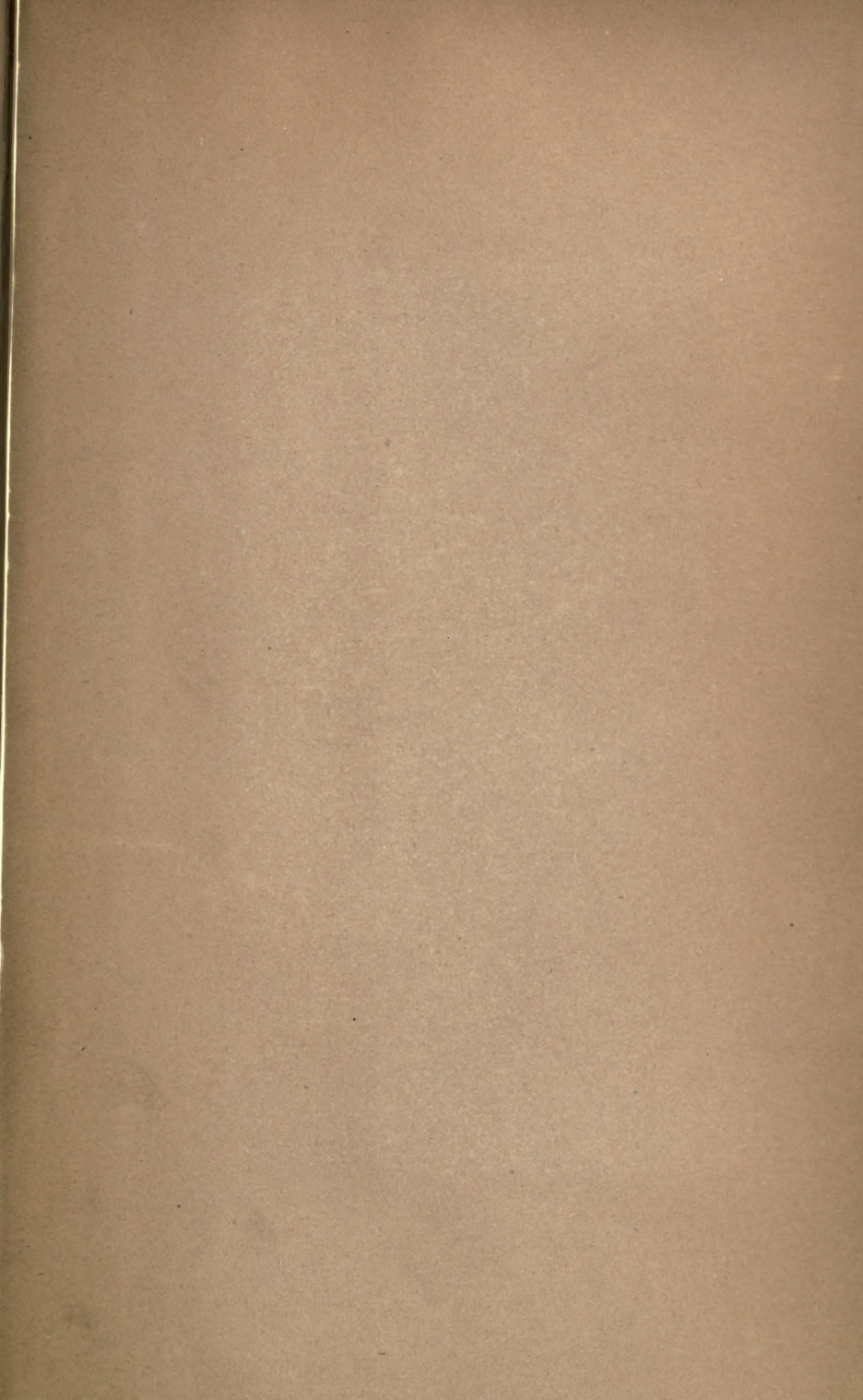
3rd. About ten days after his violent conversation with me, he met me in the Entrance room of the Government House, and begged that I would allow him five minutes conversation. He began by apologizing for the violence of his temper. I told him I thought nothing of it, I only wanted him to listen to reason. I begged of him to write to Government, stating (if he still declined a seat at the Board) that he begged leave to be excused, that if the Government thought it expedient, on public grounds, to make a new arrangement in the Medical Department, he would submit to it, but that he hoped his services might give him a claim on Government for something else.

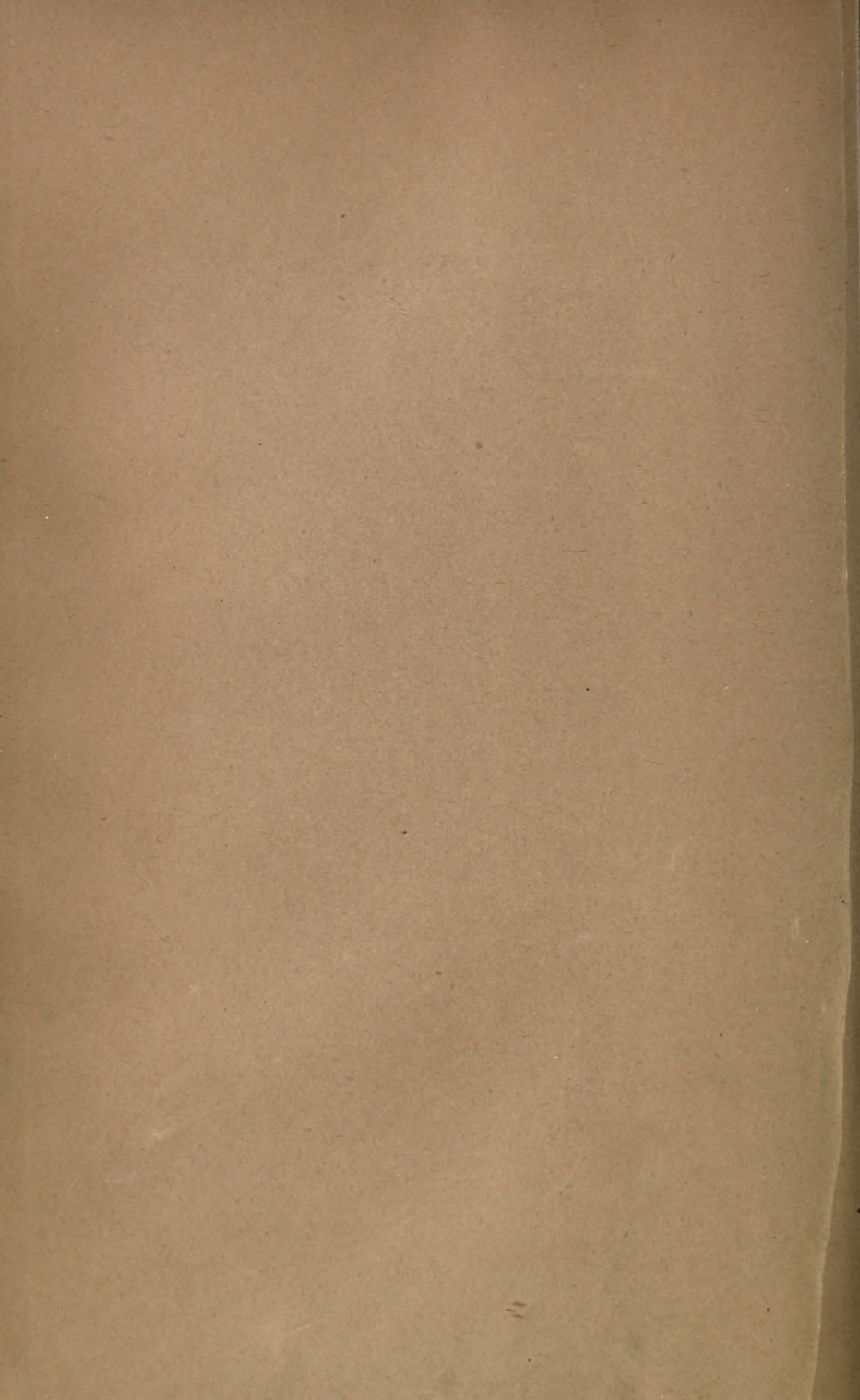
This was my advice to him. He, however, would not take it.

I then said, "Well, I have nothing more to do with your case Individually, the whole subject is before Council," to which he replied: "Before Council, much good I shall get from that. What can I expect from Sir John Truter? and as to Mr. Stoll, he is a connection of Dr. Liesching."

In fact it was all the same to Dr. Barry, whether it was Lord Charles, or myself, or the Council, we were all personal against him.

(Signed) RICHD. PLASKET.





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Author T'neal, George McCall (ed.)

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